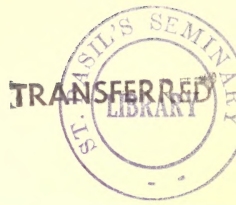


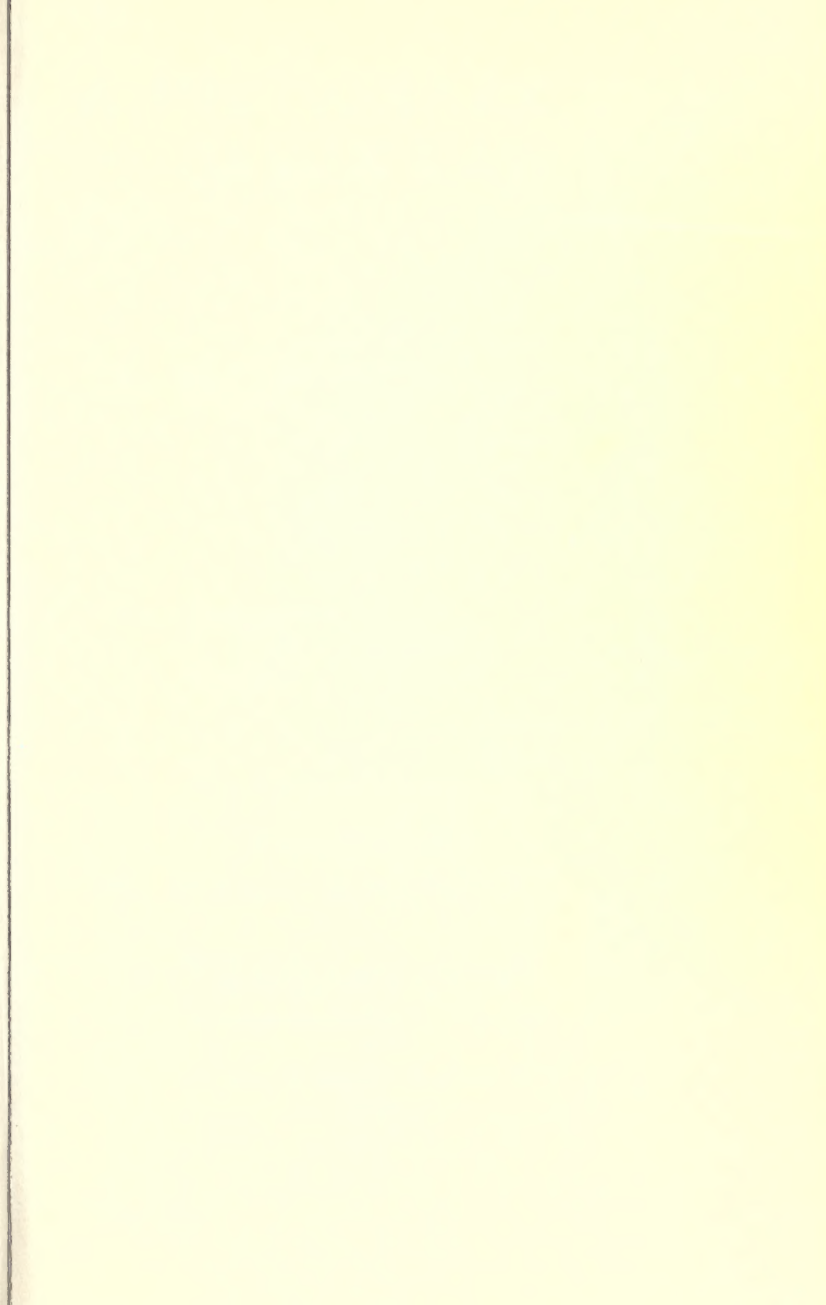
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A DICTIONARY OF CANON LAW

BY THE
REV. P. TRUDEL, S.S.



"Let our strength be the law of justice." Wis. 2, 11.

SECOND, REVISED EDITION

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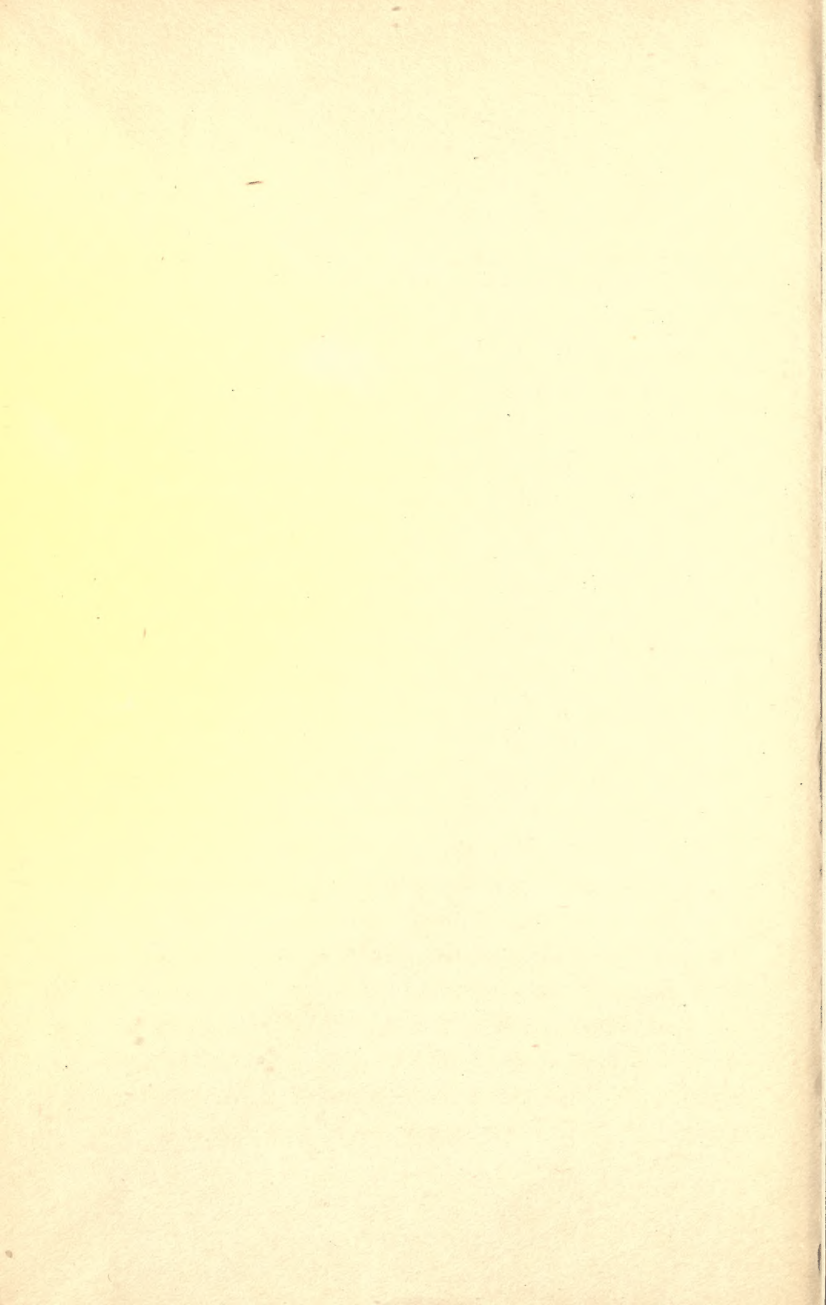
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PREFACE

This Pocket Manual of Canon Law is a digest of the entire Code. It contains all that the average priest should know, more than our Sisterhoods need to know, and much that will interest the laity on the laws of the Church. On most subjects the points of the law are scattered through the Code. By gathering these points under their respective heads and arranging them in alphabetical order, with reference to canon, paragraph, and number in the Code, this manual aims to be a clear, intelligent counsellor in the ordinary affairs of Catholic life, and a ready index to the Code for questions that require a knowledge of the niceties of ecclesiastical law.



A DICTIONARY OF CANON LAW

1. Abbot. Within three months after his election, an Abbot must be blessed by his Bishop (625). He may then pontificate in his own church, wear a pectoral cross and a ring (325), but is not permitted the use of the violet skull-cap (625). He may confer the Tonsure and Minor Orders on his subjects (964, 1). For Major Orders, to be received from their Bishop, however, he must grant them dimissorial letters (964, 2). He has the right to attend and to vote at a General Council (223, 1, 4), and must attend Diocesan Synods (358, 1, 8).

2. Abbot Nullius. An Abbot *Nullius* has jurisdiction over a certain territory and is independent of neighboring Bishops (319, 1). To hold this title he must have at least three parishes under his jurisdiction (319, 2). He is nominated and appointed by the Pope (320, 1), should have the qualifications of a Bishop (320, 2), and cannot renounce his title (991, 3). He must be blessed within three months after his appointment, but may choose any Bishop to perform the ceremony (322, 2). He is the Ordinary of his territory (198, 1; 215, 2), but cannot exercise jurisdiction be-

fore he has taken possession (322, 1). He has episcopal authority and obligations (323, 1), may administer Confirmation (782, 2) and Minor Orders (957, 2), and give dimissorial letters also to the seculars of his territory who are to be ordained (958, 1, 4). He has the right to attend and to vote at General and Plenary Councils (223, 282). With the approbation of the Holy See he should select a neighboring Archbishop as his metropolitan, take part in his Provincial Councils, and carry out their laws (285). If consecrated, an Abbot *Nullius* has the same power as other Bishops (957, 1).

3. **Abjuration.** All apostates, heretics, and schismatics must renounce their errors in order to become reconciled to the Church. To be juridical, this abjuration must take place before the Bishop or his delegate and two witnesses (2314, 4).
4. **Abortion.** All who participate in producing an abortion incur excommunication reserved to the Bishop (2350, 1), and become irregular (985, 4).
5. **Abrogation.** All laws of the Church which conflict with the Code are abrogated (6). Otherwise plenary, provincial, diocesan, and religious laws are abrogated by it only when expressly stated (22). Matrimonial impediments can be abrogated only by the Pope (1040).

6. Absence. Clerics must not be absent from their diocese for a notable time without the permission of their Bishop (143). Pastors must have the written permission of their Bishops to be absent more than a week from their parishes (466, 4). Bishops should not be absent from their dioceses more than three months in a year (338).

7. Absolution. To grant absolution a priest must have the proper ecclesiastical approbation (879). When once granted, this approbation can be taken from him only for a grave cause (880, 1). The confessor must absolve a penitent who is rightly disposed (886). He may hear the confession of persons who are not his subjects, or who belong to a different rite, when they come to him (881, 1). He may absolve his own subjects everywhere (881, 2). When making a voyage he may absolve his fellow-passengers and also penitents in the ports he happens to enter (883). A person who has incurred a censure must be absolved from it before he can be absolved from his sins (2250). If a person who is not a priest pretends to give absolution he is excommunicated (2322, 1). A priest without approbation is suspended for granting sacramental absolution (2366). A priest with approbation is suspended from hearing confessions if he grants absolution for sins reserved to a higher authority (2366). To absolve an accomplice, except in danger of death when no other priest is near, is invalid (884) and

punished with excommunication reserved in a special manner to the Pope (2367). When a penitent is in danger of death, any priest can absolve him from all sins and censures (882).

8. Abstinence. The law of abstinence forbids the eating of flesh meat and of broth made from meat (1250). It binds all who have completed their seventh year (1254). It is to be observed on all Fridays of the year, on Wednesdays and Saturdays of Lent, and on the Vigils of Pentecost, Assumption, All Saints, and Christmas (1252, 1, 2). If one of these vigils falls on Sunday, or if a holy-day falls on Friday, the law of abstinence ceases. It also ceases at noon on Holy Saturday (1252, 4).

9. Abuses. The abuse of ecclesiastical power is to be punished by legitimate authority in accordance with Canon Law (2404-2414). This abuse of power increases the guilt when it is used to do wrong (2207, 2). The Metropolitan must report abuses in his suffragans to the Pope (274, 4). Bishops must guard against abuses entering their dioceses (336, 2; 617, 2) and report those to the Pope who abuse privileges granted by him (78), as well as abuses of exempt religious that are not corrected by their superiors (617, 1).

10. Accusation. In a criminal trial the accusation must be made by the promoter of justice (1934). In mat-

rimonial cases it is made by one of the contracting parties (1971, 1, 1), and must be made before the case is instituted (1970). When the validity of an ordination is impugned, the accusation is made by the cleric concerned, by his Bishop, or by the Bishop in whose diocese the ordination took place (1994).

11. Action (Legal). Ordinarily an action confirms a right (1667). An injured person may institute action to recover a right (1678, 1698, 1855). Whoever has been in possession of a right for a year may institute action to retain it (1695). A criminal action must be instituted by the promoter of justice (1934). Before it can be instituted it must be preceded by a denunciation from the injured party (1938). It may be ended by the death of the accused, by condonation on the part of legitimate authority, or by becoming outlawed (1702). Contentious actions must be outlawed by legal prescription, but actions about the condition of persons are never outlawed (1701). Some actions become outlawed in one year, others in three, five, and ten years (1703).

12. Action (Moral). Actions performed through irresistible external violence are void (103, 1). Actions performed on account of deception or grave and unjust fear are valid but may be rescinded by judicial sentence (103, 2). Substantial error renders an action void, accidental error does not. Error in con-

tracts is foundation for rescinding an action according to law (104). If an action is invalid of its very nature, the injured person may obtain a declaration of nullity (1079) as well as compensation (1081).

13. Acts. The acts of the Holy See are promulgated when published in the "*Acta Apostolicæ Sedis*" (9). The Acts of Plenary and Provincial Councils must be submitted to the Holy See for approbation before their promulgation (291, 301). When promulgated, no Ordinary can dispense from them (291, 2). The acts of ecclesiastical trials are to be written in Latin (1642) and preserved carefully (1645, 2; 1946, 2). In case of an appeal, copies are to be forwarded to the superior court (1644). The sentence of expulsion of a religious cleric of solemn or simple vows must be confirmed by the Sacred Congregation before it can be carried into effect (666).

14. Administration. The Pope has the supreme administration of all ecclesiastical property (1518). The Cardinal Camerarius administers the temporalities of the Holy See (262). If any one usurps or retains these temporalities, he incurs excommunication specially reserved to the Holy See (2345). The Bishop must watch over ecclesiastical property in his territory, and should issue suitable instructions for its administration (1519). He should have a board of administrators to assist him (1519) according to

Canon Law (1520–1528). Pious associations, lawfully incorporated, have the administration of their property under the supervision of the Ordinary (691,1), and must annually render an account of it to him (1489, 3). For the Ordinary must see to it that all ecclesiastical property in his territory be carefully administered (1521, 545, 1547, 1478, 1483). To him every community of sisters, whether exempt or not, must annually render an account of its administration (535) though these sisters must administer their temporalities according to their constitutions (532). Pastors must administer the temporalities of their parishes according to the sacred canons (1182) and annually render an account of their administration to their Ordinary (1525).

15. Administrators. The Consistorial Congregation appoints Apostolic Administrators (248, 2). In special cases the Pope may appoint them for established dioceses (312) or permit a Bishop or an Archbishop to appoint them (431). An Apostolic Administrator must show his credentials to the Bishop and his Chapter when assuming office (313, 1), but takes possession of a vacant see like a Bishop (313, 2). He has the powers of an Ordinary (198,1), should assist at Plenary (282,1) and Provincial Councils (286,1), and ranks among the Suffragans of his province (292). Unless otherwise specified, he has the same rights as a Bishop (314–318, 379, 3). He should

take special pains to perform his duties well (1521-1523). If he is appointed by a Bishop or an Archbishop he has only the faculties of a vicar capitular (431). Every administrator of church property must pay a living wage to his help (1524), render an annual account of his administration to the Bishop (1525), and enter into no lawsuit without his written permission (1526). All administrators of pious funds, and all who receive stipends for Masses to be said, must send those stipends to the Ordinary at the end of each year for which they have not satisfied (841).

16. Admission to Religion. Admission to the religious life is open to any Catholic who is under no legal impediment, who has the right intention and is capable of fulfilling the duties of the religious life (538).

17. Adoption. In those States where legal adoption renders a marriage illicit or invalid by civil law, it also is illicit or invalid by canon law (1059, 1080).

18. Adultery. The crime of adultery, united to a promise of marriage, establishes a diriment impediment to the union of the criminals (1075). The crime of adultery gives the innocent person grounds for perpetual separation (1129). Persons openly living in adultery are excluded from all ecclesiastical benefits until they have sincerely repented (2357, 2). If clerics are guilty of this crime they are to be sus-

pendent, disgraced, and deprived of all clerical benefits (2359, 2).

19. Advocate. An advocate at an ecclesiastical trial should be a Catholic of mature years and good reputation, who is versed in canon law (1657). He must have the approbation of the Ordinary (1658), be engaged by a litigant or by the judge (1661), and must regulate his actions at the trial in accordance with the prescriptions of canon law (1662-1667).

20. Affinity. Affinity arises from a valid marriage. It exists between the husband and the blood relations of his wife, and between the wife and the blood relations of her husband. The degree of blood relationship determines the degree of affinity (97). In the direct line affinity renders marriage invalid in all degrees, but in the collateral line only to the second degree inclusive. The impediment of affinity is multiplied as often as the impediment of consanguinity is multiplied as well as by a successive marriage with a relative of the deceased consort (1077).

21. Age. Purely ecclesiastical laws bind a child at the age of seven (12). Though a girl reaches the age of puberty at twelve, and a boy at fourteen (88), girls must be fourteen and boys sixteen before they can validly contract marriage (1067). The law of fasting binds all who have completed their twenty-first year

until the beginning of their sixtieth year (1254). The age for religious profession is sixteen completed for temporary vows and twenty-one completed for perpetual vows (573). Clerics may be ordained subdeacons at the completion of their twenty-first year, deacons when twenty-two, priests at twenty-four, and bishops when they have completed their thirtieth year (331).

22. Agent. Without the permission of the Ordinary, clerics should not act as agents in managing the property of lay persons (139).

23. Alienation. Exempt Religious can not dispose of property valued at 30,000 francs without the consent of the Holy See. They may dispose of property of lesser value with the written permission of their Superior and his consultors. In addition to this permission Sisters of Diocesan Institutes must have the written permission of their Ordinary (534). Precious relics and pictures, and pictures that are highly venerated by the faithful, must not be disposed of or transformed without the consent of the Holy See (1281). To alienate other ecclesiastical property the consent of the Holy See is required if it is valued at 30,000 francs, and the consent of the Ordinary and his consultors if it is valued at more than 1,000 francs (1530-1534). It is then to be sold to the highest bidder (1531). He who unjustly disposed of or re-

ceived ecclesiastical property may be forced by censures to restitution and reparation (2347).

24. All Souls. A priest may say three Masses on All Souls Day (806), and have the privilege of a privileged altar at them (917).

25. Alms. Mendicants may beg alms in the diocese in which they have a house with the permission of their superior. Outside of their diocese they need the written approbation of the Ordinary of the diocese (621). Superiors can send only professed members of mature age to collect alms (623). Religious who are not mendicants need the permission of the Holy See to collect alms. A diocesan Congregation must have the permission of the Ordinary of the diocese in which they live and of the Ordinary in whose diocese they wish to collect. Religious Congregations should not be allowed to beg except in case of real necessity (622).

26. Altar. A consecrated altar (1199) used only for divine worship (1202) is the place on which to celebrate Mass (822). An altar may be fixed or portable (1197). A fixed altar must have a stone foundation, constructed according to liturgical laws, and consecrated with it (1198). A portable altar consists of a stone that may rest on any foundation (1197, 2). Both must have a sepulchre with relics, covered with a piece of stone (1198, 4). The Bishop may consecrate

a portable altar any time, but should consecrate a fixed altar if possible on a Sunday or Holy-Day (1199, 3). Though the altar may be consecrated without the church, at least one fixed altar should be consecrated with the church (1165, 5). A fixed altar loses its consecration if the table is even momentarily separated from its foundation, or if the table or the foundation is seriously broken, especially at the places of anointing. Every altar loses its consecration if the relics or the sepulchre are broken or removed (1200). Every altar ought to have a name, the high altar having the same as the church (1201). Even though there are many altars in a church, the Blessed Sacrament can be kept only on one (1268). The Ordinary may declare one altar in every church "privileged" (916). It should be marked *Altare Privilegiatum* (918). Every Mass said on All Souls Day has the privilege of a privileged altar (917). "The privilege of a portable altar" is granted only by the Holy See. It consists in permission to say Mass in any decent place while using an altar-stone (822, 2-3). No bodies are to be buried under or within one metre of the altar on which Mass is said (1202, 2).

27. Anathema. Anathema or excommunication is a censure by which one is excluded from the communion of the faithful and subjected to disabilities defined in Canon Law (2257).

28. Apostate. An apostate is one who totally renounces the Christian faith after having been baptized (1325, 2). Catholics are forbidden to marry apostates (1065, 11), and the pastor is forbidden to assist at such marriages without the Bishop's consent (1065, 2). Those who receive Orders from a notorious apostate incur suspension reserved to the Holy See (2372). Unless they give some sign of repentance before death apostates are to be deprived of Christian burial (1240), and those who dare to give Christian burial to impenitent apostates incur excommunication (2339). A religious who renounces the Christian faith is thereby expelled from his Order (646, 1, 1), and a cleric is deprived of all ecclesiastical standing (2314, 2). An apostate from religion is one who, though bound by perpetual vows, illegally leaves his community with the intention of never returning (644, 1). He incurs excommunication reserved to his superior general, or to the Ordinary if he belongs to a non-exempt community (2385). He is not dispensed from his rule or vows, and is bound to return to his community without delay (645, 1).

29. Apostolic See. The Apostolic or Holy See includes the Pope and those Congregations, Tribunals and Offices in Rome through which he transacts the affairs of the Catholic Church (7).

30. Appeal. There is no appeal from a decision of the Pope, of his special delegate, or from a few peculiar

decisions (1880). In all other cases an appeal may be taken (1879) within ten days (1881). When the judge pronounces sentence orally, the appeal may be made orally, otherwise it must be made in writing (1882). Whenever a marriage is declared null it must be appealed (1986). If the second decision confirms the first and no appeal is taken within ten days the persons concerned will be free to marry (1987). A decree of nullity is then to be sent to the Ordinary and entered on the baptismal and matrimonial records (1988). Matrimonial cases may be reopened whenever new evidence of a grave nature appears (1989).

31. Application. Indulgences can never be applied to the living, but may always be applied to the souls in purgatory, unless otherwise specified (930). Mass may be publicly applied to the living and the dead members of the Church (809), and privately for an excommunicated person, unless he is a *vitandus*, when it may be said only for his conversion (2262).

32. Appointment. Appointment to an office should be made in writing (159). Bishops are appointed by the Consistorial Congregation (248), even when nominated by the civil authorities (332). Unless legitimately prevented, a Bishop must be consecrated within three months after his appointment (333).

33. Approbation. All works treating of Catholic faith, morals, devotion, and discipline require the approbation of the Ordinary, for secular clergy, and of the Ordinary and their major superiors for religious (1385). Works by clerics on profane subjects should have the permission of these same superiors (1386). Even Catholic lay persons should not contribute to papers and magazines that are accustomed to attack Catholic faith and morals, unless they have the approbation of their Ordinary (1386, 2). Whatever pertains to the process of canonization of the servants of God must have the approbation of the Congregation of Rites before it may be published (1387). The express approbation of the Holy See is required to publish a translation of the authentic collection of prayers and good works enriched with indulgences (1388), or a new edition of the collection of the decrees of the Roman Congregations (1389). In editing liturgical works the Ordinary who gives the approbation must likewise testify that the edition agrees with the original (1390). Versions of the Bible must have the approbation of the Holy See or be edited under the supervision of the Bishops and enriched with notes from the Fathers (1391). The approbation of original works does not extend to translations and later editions (1392). The approbation of the Church is required to give public honor to any servant of God (2125).

34. Archbishop. An Archbishop is the Ordinary of a diocese (273) who presides over his ecclesiastical province (272). He has power to make certain appointments, to grant indulgences, to appoint a Vicar Capitular at the death of a suffragan (if one is not elected), to inform the Pope on faith and discipline in suffragan sees, to hold canonical visitation in their dioceses, when the suffragans neglect it, to pontificate in their churches, to receive appeals from their courts, and to decide controversies between them (274). He must ask for the pallium within three months after his appointment (275). He can exercise metropolitan jurisdiction only after receiving the pallium (276). He may wear the pallium in any church of his province (277). If he is transferred to another Metropolitan See he must receive a new pallium (278). When he dies his pallium must be buried with him (279).

35. Archconfraternity or Primary Sodality. Confraternities and sodalities which have the right of aggregating others are called archconfraternities or primary sodalities (720). An apostolic indult grants this right of aggregating (721, 1) other societies with the same name and object (721, 2). By aggregation these societies share in all the favors granted to the society (722). For a valid aggregation the local association must be formed with the permission of the Ordinary, application must be made with his permission in writ-

ing, the privileges communicated must be stated in the diploma of affiliation, the diploma must be drawn up legally, the affiliation must be in perpetuity, there are no charges except to cover the necessary expense (723). The headquarters can be transferred only by the Holy See (724). The title of archconfraternity, etc., is granted by the Holy See (725).

36. Archives. The Bishop should see to it that all documents pertaining to the spiritual and the temporal affairs of the diocese be preserved in the diocesan archives (375). Only the Bishop, the Vicar General, and the chancellor can permit any one to visit them (377). Only the Bishop and his Vicar General can give permission for a document to be taken out, and that only for three days. Whoever thus borrows a document must leave a receipt in writing with the chancellor (378). The Bishop should also have secret archives in which documents pertaining to criminal cases are kept. These documents should be sorted annually and those that have served their purpose burnt (379). The Bishop should likewise see to it that every church and confraternity in his diocese has its archives. Documents are to be duplicated, one to be kept in the local and the other in the diocesan archives (383). All documents that are not to be kept secret are open to the public under proper supervision (384).

- 37. Articles of Devotion.** Articles of devotion do not lose the indulgences attached to them until they are totally destroyed or sold (924).
- 38. Arts.** Priests are not to practise arts unbecoming to their vocation (138).
- 39. Assistants to Pastors.** Pastors of large parishes may receive one or more assistants. Their duty is to help in the parochial work. They are to receive a suitable remuneration (476, 1). The Bishop appoints them from the secular clergy (476, 3). They must reside in the parish (476, 5). Their rights and duties are defined by the diocesan statutes, by the Bishop, and by the pastor, whom they are to help (476, 6). Assistants to Pastors, who are religious, are appointed by their superiors, with the approbation of the Ordinary (476, 4). Assistants may be changed at the pleasure of their superiors (477).
- 40. Associations—Sodalities.** The faithful are encouraged to join societies established, or at least recommended by the Church. They are to be cautioned against those that are condemned, secret, suspected, seditious, or that seek to withdraw from the supervision of the Church (684). Distinctly religious societies are instituted by the Church for the spiritual advancement of the members, for the practice of the works of mercy, and the advancement of public

worship (685). Only practical Catholics are eligible to membership (692). It is the Ordinary's right to approve these sodalities (686) unless the Pope approves them (699). Every sodality is to have its own statutes approved by the Ordinary or the Holy See (689).

41. Attempted Crime. Attempted crime is the placing of an action that leads to crime, and then desisting in its execution (2212, 1). If it is prevented by another, it is called *frustrated crime* (2212, 2). Before the law the guilt is measured by the degree of execution (2213).

42. Attempted Marriage. A married person, who attempts a second marriage, becomes a public sinner, and is to be excommunicated or placed under a personal interdict (2356). A priest who attempts marriage is excommunicated (reserved to the Holy See) and forfeits all ecclesiastical standing (2388, 1). A religious by the same crime is expelled from his Order (646, 1, 3).

43. Authenticity. Whoever introduces a document in the process of a servant of God must show its origin and authenticity (2034). Relics cannot be exposed for public veneration unless they are accompanied by a document from the proper authorities declaring their authenticity (1283).

- 44. Authors.** Catholic authors, writing on religion, must apply for ecclesiastical approbation before publishing their works (1385). Priests and religious must obtain the permission of their respective superiors before publishing works on profane subjects (1386). All who publish the books of the Bible or notes on the same without approbation incur excommunication (2318, 2).
- 45. Auxiliary Bishop.** The Pope appoints the Auxiliary Bishop. He has no right of succession (350). His duty is to assist the Bishop in his labors (351). He is bound to reside in the diocese (354). He cannot ordain (352). Ordinarily his office expires with the death of the Bishop (355, 2).
- 46. Bail.** Clerics must have the permission of the Ordinary to furnish bail for any one, even with their own money (137).
- 47. Banns.** The banns of marriages to be contracted are to be published in church (1022), by the pastor of the contracting parties (1023), on three continuous Sundays or Holy Days, or on the day of some other parish celebration (1024). Or the Bishop may have the names of the contracting parties affixed to the church door for eight days, including two days of obligation (1025). The banns are not to be published for mixed marriages, unless the Bishop thinks other-

wise (1026). All who know of any impediment to the marriage must reveal it to the pastor or to the Bishop before the ceremony takes place (1027). If any doubt arises about an impediment the pastor should continue the publication of the banns, report the matter to the Bishop, and not permit the marriage to take place until the doubt has been cleared up according to law (1023, 2; 1028-1031). If the banns are published in one place and the ceremony is to take place in another, the first pastor must make the investigation and notify the second pastor (1029). If the marriage does not take place within six months after the publication of the banns, they must be published again before the ceremony takes place, unless the Ordinary thinks otherwise (1030, 2).

48. Baptism. When all the ceremonies of the ritual are carried out the baptism is called solemn, otherwise private (737, 2). The administration of baptism is reserved to the pastor or a priest delegated by him or by the Ordinary (738). Without permission no pastor is allowed to baptize even his own subjects outside his territory (739). The pastor should instruct the faithful, but especially the midwife, nurse, and doctor, how to baptize in case of necessity (743). In difficult childbirth the infant may be baptized conditionally in the womb, but ought to be baptized again conditionally after birth (746). An abortive foetus should be baptized absolutely if evidently alive, other-

wise conditionally (747). Foundlings should be baptized, at least conditionally (749). Infants of apostates, heretics, schismatics, Jews, and infidels may be licitly baptized without the consent of their parents only when in proximate danger of death. With the consent of one parent such an infant may be baptized if its Catholic education is assured (750-751). Solemn baptism must be conferred with the ceremonies of the ritual (755-758, 762-779). Private baptism may be given in case of necessity at any time, in any place, and by any one who has the use of reason (742, 771). The baptistery is the proper place for the administration of solemn baptism (773). Sponsors should assist at solemn baptism and also at private baptism, if possible (762). When a priest gives private baptism he should add the ceremonies which follow the baptism, if time permits (759, 1). As soon as the child thus baptized recovers, it should be brought to church, that the ceremonies which were omitted may be supplied (759, 3). The Ordinary can not permit baptism to be administered privately excepting in danger of death (759, 2). Sponsors must be practical Catholics, chosen by the parents or the person to be baptized, at least fourteen years of age, touch the person being baptized and have the intention of becoming sponsors (765-767). Sponsors and the person baptizing contract spiritual affinity with the person baptized (768). Without delay the pastor should make a record in the baptismal register of the

person baptized, the parents and sponsors, the date and place of baptism (777, 1). The names of parents of an illegitimate child are not to be recorded unless they formally request it or are publicly known (777, 2). If a pastor baptized a child of another parish he should notify the other pastor as soon as possible (778). To prove the baptism of any one the testimony of a reliable witness or the affidavit of the person who was baptized as an adult, suffices (779).

49. Baptism of Adults. Adults are all persons who have come to the use of reason (745, 2). They should not be baptized without their knowledge and consent, nor without due instruction and sorrow for their sins (750-760). In danger of death they must at least express their willingness to be baptized and to live a Christian life (752, 2). If an adult has given some probable sign of wishing to be baptized in his past life he may be baptized conditionally when unconscious. If he recovers, and a doubt remains about the validity of his baptism, he is to be rebaptized conditionally (752). To be baptized adults must voluntarily express the desire for it (745, 2). They should be baptized on the vigils of Easter or Pentecost when possible (772). They should be baptized before Mass and receive Holy Communion at it (753). They may be brought to the Bishop to be solemnly baptized by him (744). The Ordinary may permit the use of the short form in baptizing adults (755, 2). The Ordi-

nary may permit heretics joining the Church, who have to be conditionally baptized as adults, to be baptized privately (759, 2).

50. Beatification. The beatification of servants of God is conducted by the Congregation of Rites (253) according to its special laws (1999–2135).

51. Bells. It is desirable for each church to have bells to invite the faithful to divine services. These bells should be consecrated or blessed. Their use is subject to ecclesiastical authority, and they should ordinarily be devoted only to religious purposes (1169). The rector of the church appoints the person to ring the bell (1185). The Ordinary may order the bells rung for public celebrations (612).

52. Benediction. In all churches and oratories where the Blessed Sacrament is kept, private benediction with the ciborium may be given without the permission of the Ordinary. Public benediction with the Blessed Sacrament is regulated by the Ordinary, excepting in churches of exempt religious, and on the feast and during the octave of Corpus Christi (1274).

53. Benefice. A benefice is a sacred office and the right to receive the revenue accruing from it (1409). Benefices are established either by the Holy See or

by the Ordinary (1414) and may be divided, changed, or abrogated by the same (1422). Before the erection of a benefice a suitable revenue ought to be provided for it (1415). Great distance from church and a large Catholic population justify the Bishop in dividing a parish without the consent of pastor or people (1427). Before the erection of a benefice those who are interested should be called and given a hearing (1416). (See Diocese, Parish, Bishop, Pastor.)

54. Bequest. He who has the right to dispose of his property may give or will it to a pious cause (1513, 1). The formalities of civil law should be complied with in drawing up a will (1513, 2). The bequests of the faithful must be scrupulously carried out (1514). The Ordinary is the executor of all bequests to pious causes (1515). Any cleric or religious who receives a bequest in trust, must inform the Ordinary, who must demand that the pious intentions of the testator be carried out. If a religious receives a bequest in trust for the good of his Order, the Ordinary whom he must notify is his religious superior (1516). A change in the conditions of a bequest can be made for a just cause only by the Holy See. If the bequest cannot be carried out on account of unforeseen contingencies, the Ordinary may adapt it to the changed conditions. Bequests for Masses, however, cannot be reduced by any one but the Holy See (1517).

55. Bination. On all holy-days of obligation the Ordinary may permit a priest to say two Masses to enable the faithful to hear Mass (806, 2).

56. Birth-place. The place in which the father had a domicile or quasi-domicile when his child was born is the birth-place of that child,—in the case of an illegitimate or a posthumous child, the place where the mother had the domicile at the time of its birth. The birth-place of foundlings is the place where they were found, and the birth-place of vagrants the place where they were actually born (90).

57. Bishops. Bishops are the successors of the Apostles, who are placed over individual churches by divine law, and govern them with ordinary authority under the authority of the Pope, by whom they are freely appointed (329). To be eligible to the episcopate a man must be born of lawful wedlock, be thirty years of age, be at least five years a priest, be of good character, pious, zealous, prudent, and otherwise qualified to govern a diocese, and must be a doctor or a licentiate in theology, or canon law, or at least well versed in these sciences. Of these qualities the Holy See alone has the right to judge (331). Even when otherwise nominated a candidate needs a papal appointment to become the lawful bishop of a vacant see (332, 1). He cannot absent himself for more than three months in a year from his diocese (338, 2).

He must be consecrated within three months after receiving his appointment, and be installed within four months of his consecration (333). He is the ordinary and immediate pastor in the diocese committed to his care, but cannot exercise jurisdiction until he has canonically taken possession, by presenting the apostolic letters in person, or through a procurator, to the cathedral Chapter in the presence of the secretary of the Chapter or the chancellor of the Curia (334). A papal mandate is necessary for his consecration (953).

58. Bishops, Privileges of. Besides other privileges which individuals may possess, every Bishop (1) may hear confessions everywhere; (2) may say Mass on a portable altar; (3) bless the people everywhere; (4) choose a confessor for himself and his household everywhere; (5) preach with presumed permission of the Ordinary; (6) bless articles of devotion in the usual way; (7) wear episcopal insignia.

59. Bishops, Rights and Duties of. Every bishop has the right and the duty to govern the diocese in spiritual, as well as in temporal affairs, with legislative, judicial and coercive power, to be exercised according to the sacred canons (335). He must urge the observance of the laws of the Church, watch that no abuses creep into ecclesiastical discipline, and guard the purity of

faith and morals among clergy and laity (336). He may exercise pontifical functions anywhere in his diocese, and may grant permission to other Bishops to do the same (337). He is bound to reside in his diocese, and to be at his cathedral during Advent, Lent and on the feasts of Christmas, Easter, Pentecost, and Corpus Christi. If he is unlawfully absent from his diocese for more than six months he is to be reported to the Holy See by his Metropolitan (338). He must say Mass for the faithful on all Sundays and Holy Days of obligation, even on suppressed feasts (339). He is the teacher of the faithful committed to his care (1326), and is personally bound to preach the Gospel (1327). He has the right to the income of the *mensa episcopalis*, to grant an indulgence of fifty days in places under his jurisdiction, and to erect the throne with the canopy in all churches of his diocese (349). He must make an *ad limina* visit every five years and make a report of his diocese to the Holy See (340). If he lives outside of Europe he must make this visit at least every ten years (341). He may make his report personally, through his Coadjutor, or with the consent of the Holy See, through one of his priests (342). To promote religion he should make the visitation of his diocese every year if possible, otherwise at least every five years (343), inquiring into persons, places, and things that pertain to the diocese (344), without accepting any remuneration but his travelling expenses, if custom

sanctions this (346). Bishops do not incur censures unless they are specially mentioned (2227).

60. Blessings. A blessing is invalid unless the prescribed form is used (1148). All articles blessed with a constituting blessing should be treated reverently (1150). Cardinals can bless any article with the sign of the cross and enrich it with the indulgences the Holy See is accustomed to grant (239, 1, 5). Every Ordinary may use the blessings and consecrations not reserved to the Pope (1155; 323, 2; 294, 2). No one can consecrate or bless a place without the consent of the Ordinary (1157). The blessing of the cornerstone and of the building is reserved to the Ordinary for non-exempt churches (1163). The blessing of images exposed for public veneration is reserved to the Ordinary (1279, 4). Bishops may give the papal blessing with a plenary indulgence twice a year, on Easter and on another feast of their choice (914). Pastors and religious superiors may bless sacred utensils for their churches and oratories (1304, 5). Blessing of the baptismal water (162, 7; 757), the nuptial blessing (462, 4), and the blessing of houses on Holy Saturday (462, 6) are reserved to the pastor. Any priest, assisting the dying, may give them the apostolic blessing and plenary indulgence *in articulo mortis* (468, 2). Priests may impart all the blessings not reserved to the Pope, to the Bishop, or to others. If they use reserved blessings they are illicit but valid

unless stated otherwise in the reservation (1147, 2-3). Domestic and semi-public oratories are to be blessed with the ordinary blessing for a place or a house (1196, 2). The blessing of the corner-stone of sacred places and churches of exempt religious, belongs to the superior (1156). Regulars having the privilege of granting the papal blessing must use the prescribed form (915). As a rule all blessings may be given to catechumens, and even to non-Catholics to obtain for them health and the gift of faith (1149).

61. Books. (*See Approbation, Authors.*)

62. Burial. Ecclesiastical burial consists in bringing the body into the church, there holding the funeral services over the same, and depositing it in a place lawfully appointed for the burial of the faithful departed (1204). Cremation is forbidden. It is unlawful for anyone's desire for cremation to be carried out (1203). (*See also Corpse, Cemetery, Funeral.*)

63. Business. Clerics are forbidden to engage in any business for their own benefit or for that of others, either personally or through others (142).

64. Camera Apostolica. The Camera Apostolica has charge of the temporal goods and rights of the Holy See, especially during its vacancy. It is in charge of the Cardinal Camerarius (262).

- 65. Canonization.** The canonization of a servant of God cannot be asked until he has been beatified (2136), and two or three miracles have been wrought through his intercession (2138), which have been verified by authentic documents (2137). The Pope then signs the decree of canonization (2140), after which it is solemnized with appropriate ceremonies (2141).
- 66. Canonries.** Canonries are not to be established without endowments (393, 3). They are conferred by the Bishop (403) on priests of learning and integrity of life (404).
- 67. Canons.** The Canons assist the Bishop at solemn Mass (412), recite the Divine Office in choir (413) daily (414), and minister by turn at the altar (416). Canons of the Cathedral Chapter aid the Bishop in the government of the diocese (391, 1). In choir they wear episcopal garments, and may wear the same in other places of the diocese (409). They may have a vacation of three months in a year (418). They can not easily discharge their duties through a substitute, and must reside at the church they serve (419).
- 68. Cardinals.** The Cardinals constitute the Senate of the Church and assist the Pope by their counsel and labors (230). The College of Cardinals is divided into three orders: episcopal, presbyteral, and deaconal. There are six Cardinal Bishops, fifty Cardinal priests,

and fourteen Cardinal deacons. The six Cardinal Bishops preside over the six suburban sees of Rome, while the others have each a church assigned to them in Rome, even when governing a diocese elsewhere (231). They are chosen by the Pope from among the entire Catholic clergy on account of their learning, piety and exceptional executive ability (232). They are created and proclaimed by the Pope in Consistory (233). As vacancies occur the Cardinals may be promoted to different titles and orders (236). From the day of their creation Cardinals enjoy the universal faculty of hearing confessions, preaching, blessing articles of devotion, investing with the scapulars, erecting the Stations of the Way of the Cross, saying Mass wherever they happen to be stopping, etc. Cardinals do not incur censures unless specially mentioned (2227).

69. Cases. All cases against clerics, whether civil or criminal, must be brought into the ecclesiastical court. Clerics cannot be sued in a civil court without the permission of the Ordinary of the place where the case is to be tried (120).

70. Cassock. All clerics must wear the clerical garb prescribed for their country (136). Those in Major Orders, who do not do so after having been admonished, shall be suspended after a month, while those in minor orders forfeit the clerical state (2379).

- 71. Catechetical Instruction.** One of the gravest duties especially of pastors is to instruct the Christian people (1329). It is the duty of the pastor annually to prepare the children for confession and confirmation by instructing them on several days in succession, and to prepare them during Lent, if possible, for a worthy reception of their first Holy Communion (1330). Moreover, the pastor should instruct those children more fully in their Christian doctrine who have already received their first Communion (1331). On Sundays and Holy Days he should explain the doctrine in a popular way to the people (1332). Pastors may use the help of others in instructing the children in their religion (1333).
- 72. Catechumens.** Catechumens may receive the blessings of the Church (1149). The exorcisms may likewise be pronounced over them (1152). If they die without their fault before receiving baptism, catechumens are entitled to ecclesiastical burial (1239, 2).
- 73. Cathedra-ticum.** All churches and confraternities subject to the jurisdiction of the Bishop must annually pay him their cathedra-ticum (1504). They cannot free themselves from this obligation by prescription (1509, 8).
- 74. Cause, Canonical.** A just and reasonable cause is necessary for an inferior to dispense from ecclesiastical

laws (84), for a priest to leave his diocese and join another (116, 117), for a Catholic to enter a mixed marriage (1061), for married persons to separate for life (1129, 1131), for Bishops to divide parishes (1427), to dispose of ecclesiastical property (1530), to transfer an irremovable pastor (2147), even to transfer a movable pastor (2162), for suspension *ex informata conscientia* (2191).

75. Cautions. Even when there is a canonical cause, the Church does not grant dispensations for mixed marriages, unless the non-Catholic promises to remove all danger of perversion of the Catholic party, and both parties promise to bring up all their children Catholics. These promises are to be made in writing (1061).

76. Celebrant. The celebrant of Mass must be a priest (802), free from mortal sin (807), fasting from midnight (808), who has the permission of the Ordinary (804, 3), or who has his *celebret* in a strange diocese, or is known to the pastor of the place (804, 1). If a stranger without a *celebret* he may say Mass once or twice as long as he dresses as a cleric and observes the canons and statutes (804, 2).

77. Celebret. A *celebret* is a statement from his Ordinary for a secular priest, from his superior for a religious priest, and from the Sacred Congregation

for a priest of the Oriental Church, testifying that he is ordained, in good standing, and permitted to say Mass (804, 1).

78. Celibacy. Clerics in major orders must observe celibacy and chastity (132, 1), even when reduced to the lay state (213), unless they were ordained through fear or force, and never willingly accepted the duties of major orders. If they can prove this to the satisfaction of the Bishop they will be pronounced free from those obligations (214, 1).

79. Cemeteries. The Catholic Church has a right to possess her own cemeteries. Where this right is not recognized by the State the Bishops should try to have the public cemeteries blessed if most of those to be buried there are Catholics. Otherwise they should have a part reserved for the Catholics and bless it. If this cannot be done the grave of each individual should be blessed at the time of burial (1206). Every parish should have its own cemetery unless the Bishop has appointed one common cemetery for several parishes. Exempt religious may have their own cemetery. The Ordinary may permit private families and associations to have their own cemeteries (1208). In parochial cemeteries the Ordinary may permit families to have special burial places. The burial place for priests should be separate from that of the laity (1209). Epitaphs should be in har-

mony with Catholic faith and piety (1211). In every cemetery there should be a place for those who are not entitled to ecclesiastical burial (1212). Bodies that have the final blessing of the Church shall not be exhumed without the permission of the Ordinary (1214). Mortuary chapels in cemeteries are private oratories (1190).

80. Censor. The Church has a right to examine and, if necessary, to prohibit the publications of her subjects (1384). There shall be a censor in every diocesan curia who shall judge these writings impartially according to the teaching of the Church. He must give his verdict in writing. If it is favorable the Ordinary may give permission to publish the work, and with this permission also publish the name and opinion of the censor (1393). This approbation is to be printed either at the beginning or at the end of the book (1394). (See Approbation, Books.)

81. Censures. Censures are ecclesiastical punishments inflicted on Catholics for obstinate faults. They consist in the privation of certain spiritual rights until the guilty persons repent and are absolved (2241). They are inflicted only for grave, external, contumacious sins (2242), either by the law of the Church or by some person in authority, and may be reserved either to the Ordinary or to the Pope (2245). Those who have incurred censures can be absolved only by

such persons as are authorized by law or by competent authority (2247). There are three censures: excommunication, interdict, and suspension (2255), each of which will be treated separately.

82. Cessation. Privileges cease by renunciation (72), expiration of time or use limited (75), revocation (71), and death of the recipient (74). Dispensations cease like privileges and also with the cessation of the reason for which they were granted (86).

83. Chancellor. The chancellor's duty is to keep the acts of the diocesan Curia in the archives, to arrange them in chronological order, and to make an index for the same. He is appointed by the Bishop, and is a notary by virtue of his office (372). (See Archives.)

84. Chaplain. A chaplain is a priest authorized for an institution, a society, or the army. The Bishop may exempt religious houses and pious institutions in the parish from the authority of the pastor (464). He has the right to appoint the chaplains of societies in his diocese. Chaplains of confraternities for the time of their office have the faculty to bless the habit and the insignia, and also to invest new members (698). Military chaplains receive such special faculties from the Holy See as circumstances may require (451, 3).

- 85. Chapter.** Every Chapter of Canons is instituted for divine services. The cathedral chapter is, besides, the senate of the Bishop, assists him in the government of the diocese, and supplies his place during a vacancy (391). Chapters may be established, changed, and suppressed by the Holy See (392). Chapters are to be endowed before they are erected (393).
- 86. Children.** Children under seven years of age are not subject to purely ecclesiastical laws (12). In danger of death young children who can distinguish Holy Communion from ordinary bread, and reverently adore It, may receive. With this exception they should at least know the mysteries of faith, necessary as absolute means of salvation, and approach Holy Communion with devotion proper to their age (854). Children under the age of puberty do not incur the censures attached to the violation of a law or precept for the commission of a crime (2230).
- 87. Christ.** Christ, the Lord, is Himself contained, offered, and received under the species of bread and wine in the most holy Eucharist (801). Even under the sacramental species, the cult *latria* is due to Christ, the Lord (1255, 1). Christ, the Lord, confided the deposit of faith to the Church, that she may reverently preserve and faithfully teach the revealed doctrine with the perpetual assistance of the Holy Ghost (1322, 1).

88. Christmas. On Christmas a priest may say three Masses (806) and receive stipends for all three (824). In the oratories of religious and pious institutions one priest may say three Masses on Christmas, beginning at midnight, and also distribute Holy Communion (821).

89. Church Authority. Those who are received into the ecclesiastical hierarchy are not chosen by the people, or by secular authority, but are placed in the degrees of power of orders by sacred ordination. In the supreme pontificate the person lawfully elected, and freely accepting the election, receives the power of jurisdiction by divine right. All others receive jurisdiction by canonical mission (109).

90. Church Building. A church is a sacred edifice dedicated to divine worship (1161). No church shall be erected without the explicit permission of the Bishop in writing (1162). The blessing of a church is reserved to the Ordinary, or to the major religious superior (1163). It should be built in conformity with the laws of ecclesiastical art (1164). No services can be held in it before it has been blessed for divine worship (1165, 1). A church of wood may be blessed but not consecrated (1165, 4). A church loses its blessing by desecration, or by the destruction of the major part of its walls (1170). A church is desecrated by wilful homicide, malicious and copious

shedding of blood, by sordid use, and by burial of an infidel or excommunicated person (1172). A desecrated church cannot be used for divine worship until it has been reblessed (1173). If a church can no longer be used for divine worship the Ordinary may turn it to some decent profane use (1187).

91. Citation. A citation is a summons to appear in court (1711). It is made by the judge (1712), signed in duplicate by him and his notary (1715, 1716), and delivered in person to the one concerned by a messenger (1717, 1).

92. Clergy. By divine institution the clergy are distinct from the laity in the Catholic Church (107).

93. Clerics. Clerics are men assigned to the divine ministry by the reception of the first tonsure. They are of different degrees, subordinated one to another in a sacred hierarchy. This hierarchy consists of Bishops, priests, and other ministers by reason of the sacred orders, and of the supreme pontificate and the subordinate episcopate by reason of jurisdiction. By institution of the Church other degrees have been added (108). Every cleric must belong to a diocese or to a religious community (111). Only clerics can obtain the power of orders and jurisdiction, of benefice and of pension (118). The faithful owe the clergy reverence according to their rank and office, and be-



come guilty of sacrilege by doing them a personal injury (119). All cases against them must be brought in the ecclesiastical court. The Pope can be subject to no civil power. Other clerics cannot be sued in a civil court without the permission of the Holy See for all dignitaries, and of the Ordinary for simple priests and inferior clerics (120). All clerics are free from military service and other duties that are unbecoming to the clerical state (121).

94. Clerics, Obligations of. Clerics must excel the laity in virtue and good deeds (124) and daily devotion (125). Secular priests must make a retreat at least every three years (126), respect and obey their Ordinary (127), love solid studies (129), submit to examinations for three years after their ordination (130), and attend the diocesan conferences (131). Clerics in major orders are forbidden to marry. They must live chaste lives (132) and conduct their homes accordingly (133), and recite the canonical hours (135). All clerics must dress as clerics (136).

95. Clerics, Things Forbidden to. They are forbidden to go bail (137) and must abstain from all things unbecoming or foreign to their state (138). They shall not act as agents for property, nor run for political offices (139). They shall not volunteer for military service, and if they do so, they forfeit their clerical standing (141). They are forbidden to engage in

any secular business (142). They are bound not to leave their diocese for a notable time without permission of the Ordinary (143), and may be recalled by him when absent on leave unless they have been excommunicated (144). Clerics in minor orders may be reduced to the lay state by living an unclerical life, by voluntary choice, and by the declaration of the Ordinary (211). Clerics in major orders, who have returned to the lay state by permission, or who have been reduced to it, must obtain permission of the Holy See if they wish to return to the clerical state (212).

96. Closed Season. The solemn blessing of marriage is forbidden from the first Sunday in Advent to Christmas inclusively, and from Ash Wednesday to Easter Sunday inclusively (1108).

97. Coadjutor Bishop. A Coadjutor Bishop is given by the Pope to a Bishop or to a see with the right of succession (350). The rights of a Coadjutor to a Bishop are defined by his letters of appointment. He ought to be willing to do whatever his Bishop may request of him (351). A Coadjutor to a see may exercise all episcopal powers, excepting ordination (352). He must live in the diocese and obtain the permission of his Bishop to leave for any length of time (354). He must show his letters of appointment on entering the diocese (353) and becomes the Ordinary of the diocese on the death of his Bishop as soon as he takes pos-

session (355). He may be sent by his Bishop to represent him at a plenary council (282, 1), at a provincial council (286, 1), and also at episcopal conferences (292).

98. Code. The Code of Canon Law is obligatory in the Latin Church (1). It defines nothing on liturgical subjects (2) and does not change any special agreements or concordats established between various nations and the Holy See (3). Unless expressly stated it does not abrogate any acquired rights, privileges, and indulgences (4). Immemorial customs at variance with the Code are abolished only when it explicitly disapproves of them (5). Unless otherwise stated it abolishes all laws published prior to the Code (6, 1) unless they are explicitly or implicitly contained in the Code (6, 6).

99. Cohabitation. Cohabitation after the marriage ceremony has taken place establishes a presumption of consummation (1015, 2).

100. Collection of Roman Decrees. The collections of the decrees of the Roman Congregations cannot be published anew without the supervision and permission of the Moderators of the respective Congregations (1389).

101. Communication. It is forbidden to the faithful in any way to take part in the services of non-Catholics

(1258, 1). Excommunicated persons have no right to assist at the divine services for the faithful (2259, 2) or to receive the sacraments (2260, 1). Whoever takes part in heretical worship is suspected of heresy (2316). Clerics communicating with a person under major excommunication incur excommunication reserved to the Holy See (2338, 2). The faithful should avoid dealing even in profane things with persons under major excommunication (2267). In future religious Orders no longer communicate in the privileges granted to others (613, 1).

102. Communion. Frequent Communion is to be fostered among the laity (863) and especially among religious (595, 2). The Ordinary may forbid Communion to a person guilty of a grave fault (1956). A religious superior may do the same to a subject (595, 3). Frequent communicants may gain all indulgences except that of jubilees with actual confession once in two weeks (931, 3). Communion may be received no more than once a day (857). It may be distributed on all days, excepting Good Friday and before the services on Holy Saturday. It should ordinarily be distributed only at Mass time. Viaticum may be given any day or hour (867). Holy Communion may be distributed wherever Mass may be said, excepting in private oratories or in places forbidden by the Ordinary (869). The priest is the ordinary dispenser of Holy Communion (845, 1);

the deacon the extraordinary minister (845, 2), who may distribute it both during and outside of Mass (846) according to his rite (851, 1) under the form of bread (852). Any priest may carry it privately to the sick (849). Children who are ignorant of the truths necessary for salvation (854, 1) and public sinners are to be refused Holy Communion (855, 1). Those who are in mortal sin (856), who have received (857) or who are not fasting (858) should not receive. All are bound to receive at Easter time (859, 1), in danger of death (864, 1), and when receiving major orders (1005). Those who are being married should receive (1033). All the faithful have permission to receive under any rite (866). All who have come to the age of discretion must receive during the paschal time (859, 1), which begins on the Sunday before and ends on the Sunday after Easter. The Bishop may extend this time from the fourth Sunday in Lent to Trinity Sunday (859, 2). The paschal obligation binds even after the time has elapsed, until it is fulfilled (859, 4). It is not fulfilled by a sacrilegious Communion (861). In regard to children, the paschal precept binds also those who have care of them: parents, tutors, confessors, teachers, and pastor (860). The Easter Communion may be received in any rite or church (866).

103. Community Life. Community life among secular priests is to be praised (134). It is to be sacredly kept by religious (594, 1), especially in the house of studies

(587, 2). Religious who violate it gravely, after being warned, are to be severely punished by the superior even by depriving them of active and passive voice (2389).

104. Commutation. The good work promised in a non-reserved vow can be commuted into a better or an equal one by the person who made the vow. It can be changed into a lesser work only by one having the power to dispense (1314). In the application of a penalty the judge cannot augment the penalty specified by law, but may commute it into a lesser one when the circumstances permit (2223).

105. Compensation. Mutual injury is considered a compensation (2218, 3).

106. Competency. If any controversy arises about the competency of the Sacred Congregations, tribunals, or offices of the Roman Curia, a committee of Cardinals appointed by the Pope will decide it (245). The competency of the Ordinary is defined in the Code (1560-1568). Matrimonial cases between baptized persons belong exclusively to the ecclesiastical court (1960). Cases concerning only the civil effects of marriage pertain to the civil court (1961).

107. Compromise. To avoid a judicial trial the interested parties may enter into an agreement by which the

settlement of their case is left to the judgment of one or more, who will dispose of it according to law, or settle it according to the rules of equity (1929).

- 108. Concordats.** Special agreements arranged between the Holy See and various nations are not abrogated by the new Code (3).
- 109. Concubinage.** Any one publicly living in concubinage shall be excluded from all legitimate ecclesiastical acts until he has repented and amended his life (2357, 3). If a priest, he shall be suspended, deprived of his parish, and of every ecclesiastical support (2177). From public concubinage arises the impediment of public propriety, which invalidates marriage in the direct line only to the second degree inclusive (1078).
- 110. Concursus.** The form of appointing pastors by concursus shall be retained where it has been established (459, 4). Those who have the right of patronage can present only such candidates as have passed the concursus (1462).
- 111. Condition.** Conditions demanded in a rescript are essential for its validity, excepting in a "motu proprio" rescript or one granting a dispensation from marriage impediments of lesser degree (39, 40). Conditions added to a marriage consent may render it

invalid or suspend its validity (1092). If a Catholic adds the condition to his marriage consent that he will have his children baptized and raised as non-Catholics he is to be suspected of heresy and is excommunicated by the law (2319).

112. Conferences, Diocesan. Diocesan conferences should be held repeatedly each year. All priests exercising their faculties must attend them (131). The dean should preside (448, 1). These conferences should be held in every community of priests at least once a month (591). Priests who obstinately absent themselves from the diocesan conferences shall be punished by the Ordinary. If they are religious, he may revoke their faculties of hearing confession (2377).

113. Conferences, Episcopal. A conference of the Bishops of each province is to be held at least every five years, to consider what is to be done to promote the welfare of religion, and to prepare matter for the next Provincial Council (292).

114. Confession, Annual. All Catholics who have come to the use of reason, must confess their (mortal) sins truthfully at least once a year (906). A sacrilegious confession does not satisfy this precept (907).

115. Confession, Judicial. Any statement made in court detrimental to one's self or favorable to one's opponent is called a judicial confession (1750). A

judicial confession, freely and deliberately made by one in a private affair, frees the other from the burden of proving the point (1751). The person who made a judicial confession cannot contradict his statement unless he can prove that his confession was erroneous (1752).

116. Confession, Sacramental. Sacramental confession is necessary for mortal sins committed since the reception of baptism that have not yet been forgiven in a good confession (901). Mortal sins that have been forgiven and venial sins may be confessed (902). Religious and seminarians should go to confession at least once a week (595, 1, 3; 1367, 2). To gain the indulgence of some feast the prescribed confession may be made eight days preceding the feast (931, 1). Any one in mortal sin must go to confession before receiving Holy Communion (856), celebrating Mass (807), or being married (1033). The confession must be made to a duly authorized priest (of any rite) (905), but in danger of death it may be validly and licitly made to a priest not approved, even when a duly authorized priest is present (882). Novices and seminarians should not confess to their master, *socius* or rector (891, 1383). Confession may be made through an interpreter (903). Pastors and others having the care of souls are bound in justice to hear the confession of their subjects. Other priests are bound in charity to hear the faithful (892).

117. Confessional. The confessional should be placed in a conspicuous place in the church or oratory, and have a grate between the confessor and the penitent (909). Excepting cases of necessity, the confession of women should not be heard outside the confessional, though men may be heard in private homes (910).

118. Confessor, Extraordinary. Every religious community of lay men and women (521, 528) shall have an extraordinary confessor at least four times a year. The Ordinary shall also appoint a number of priests to whom the religious may go to confession on special occasions (521). Besides, religious may go to the confessional of any duly authorized priest and confess their sins (522). When seriously ill, they may ask for any duly authorized priest to hear their confession (523).

119. Confessor, Jurisdiction of. The priest is the minister of the Sacrament of Penance (871). Besides the power of orders, the confessor needs the power of jurisdiction (872). The Pope and the Cardinals have ordinary jurisdiction for the entire Church, and the Bishop in his diocese. Exempt religious superiors have the same for their subjects (873). Delegated jurisdiction is given to all duly authorized priests. Religious should not use it without the permission of their superiors (874). Exempt religious priests and other priests may be delegated by their superiors to

hear the members of their own Order (875). All priests must be delegated by the Ordinary to hear the confession of any religious not of their own order (876). Delegated jurisdiction shall not be withdrawn without a grave reason (880). Any priest has jurisdiction to hear the confession of a person in danger of death (882).

120. Confessor, Minister. The priest is the minister of justice and of mercy in the confessional (888). Where there is no doubt about the penitent's good disposition he must be absolved (886). The sacramental penance should be proportionate to the guilt and disposition of the penitent (887). The seal of confession binds all who hear it (889, 2). To guard it the confessor must abstain from every word or sign that might betray the sinner (889, 1). He can make no use of knowledge acquired by hearing confessions as long as it is disagreeable to the penitent (890, 1). He cannot use this knowledge in the government of his subjects (890, 2), nor on the witness stand (1757, 3, 2; 2027, 2, 1). Confessors must make their profession of faith every year, or at least at the beginning of their office (1406, 1, 7). Pastors are bound in justice, other priests in charity, to hear confessions (892). A confessor may also hear persons of another rite (905).

121. Confessor of Religious. In every house of clerical religious several lawfully approved confessors shall be

appointed with the faculty of absolving also from the reserved cases of the Order. Superiors may hear the confession of subjects, but should do so only by way of exception. They must beware against inviting the subjects to come to confession to them (518). Religious should confess to their regular confessor at stated times as defined in their constitutions, but if they confess to a priest approved only by the Ordinary their confession is both valid and licit, as though made to a priest of their Order (519). In every convent of religious women (520) and of religious lay men (528) an ordinary confessor shall be appointed by the Bishop (520, 1). If some religious, for the good of her soul, should desire a special confessor, the Ordinary shall readily grant her request (520, 2). The confessor of religious should be an exemplary, prudent man of forty years of age (524, 1). The ordinary confessor should not exercise his office for more than three years unless the Bishop reappoints him on account of a scarcity of priests, or the majority of the sisters desire to retain him (526). If a convent of religious women is under the immediate jurisdiction of the Pope or the Bishop, the latter appoints both the ordinary and the extraordinary confessor for it. If it is subject to a regular superior, the latter may present a confessor for the approbation of the Ordinary (525).

122. Confirmation. The Bishop is the ordinary minister of Confirmation, but the Holy See may grant a

priest the faculty of giving it (782). The Bishop should give it to all who ask for it, especially at the time of his visitation (785). To receive Confirmation worthily, a Catholic must be in the state of grace and sufficiently instructed in his religion (786). Although Confirmation is not a means necessary to salvation pastors should instruct the people not to neglect it (787). In the Latin Church Confirmation should be given to children when they come to the use of reason, unless there is a cause for giving it earlier (788). Those to be confirmed should be present at the first imposition of hands, and should not depart before the end of the ceremony (789). Confirmation may be administered any time of the year (790), in any church or becoming place (791). A sponsor is to be employed (793), one for each person confirmed (794), who has arrived at the use of reason, is confirmed, a practical Catholic, and of the same sex as the person confirmed (795-796). The sponsor contracts a spiritual relationship and the obligation, as in baptism (797). The names of the persons confirmed, their parents and sponsors, and of the officiating Bishop are to be recorded in the baptismal register (798).

123. Confraternities. Confraternities are sodalities erected to promote divine worship (707). They are erected by a formal decree (708). To take part in a body at sacred functions the members must wear their insignia (709). There should be only one confra-

ternity of the same name in the same town (711). Confraternities should be attached to a church or oratory (712), not charge admission (714), and keep their accounts separate from that of the parish (717). (See Associations.)

124. Congregation, Religious. A Congregation is a religious society in which the members take simple vows for a time or for life (488, 2). A Bishop may found a Congregation with the approbation of the Holy See (492, 1). The law of enclosure shall be observed in all houses of religious Congregations (604, 1). After the completion of their novitiate the novices must take temporary vows at least for three years before they are admitted to perpetual vows, unless the constitutions demand yearly profession (574). (See Regulars, Religious.)

125. Congregations, Roman. The Roman Curia consists principally of eleven Congregations between whom the work of the Curia is divided. Each Congregation consists of a number of Cardinals and assisting priests (246). The Congregation of the Holy Office (Sant' Uffizio) guards faith and morals (247). The Consistorial Congregation appoints Bishops and receives their reports (248). The Congregation of the Sacraments regulates the administration of the Sacraments (249). The Congregation of the Council presides over the discipline of the secular clergy and the

lality (250). The Congregation of Religious has jurisdiction over Religious Orders (251). The Congregation of the Propagation of the Faith has jurisdiction over the Church in missionary countries (252). The Congregation of Rites has authority over sacred rites and ceremonies of the Latin Rite and the canonization of saints (253). The Ceremonial Congregation regulates the ceremonies of the pontifical chapel and the papal court (254). The Congregation for Extraordinary Affairs establishes new dioceses and makes agreements with various nations (255). The Congregation for Seminary and University Studies has jurisdiction over the government, discipline, administration and studies in seminaries (256). And the Congregation for the Oriental Church has jurisdiction over persons and rites of the Oriental Churches (257). In the Code these Congregations are referred to under the name Holy See (7). Appeal may be had to them from the decrees of the Ordinary (1601).

126. Conjugicide. Conjugicide establishes a diriment impediment to the marriage of those who commit it (1075, 2-3).

127. Consanguinity. Consanguinity is measured by lines and degrees. In the direct line there are as many degrees as generations. In the collateral lines there are as many degrees as there are generations in the longest line (96). Consanguinity establishes a diri-

ment impediment between all persons in the direct line, and between persons related to the third degree inclusive of the collateral line (1076). The latter is classed as an impediment of a minor degree (1042, 2, 1). Where it exists and a marriage is contracted without a dispensation, the Ordinary may declare that marriage void (1990).

128. Consecration. Without a special indult no one but a Bishop can consecrate (1147, 1). The formula prescribed by the Church must be followed in consecrations (1148). Consecrated articles should be treated reverently (1149). In selling a consecrated article no increase in the price can be made on account of the consecration (1539, 1). (See Altar, Bells, Church, Bishop, Place.)

129. Consent, Matrimonial. Matrimonial consent is an act of the will by which the contracting parties mutually give and accept the perpetual and exclusive right to their bodies for acts that may generate children (1081, 2). This consent cannot be validly given unless the contracting parties know at least that marriage is a permanent union between a man and a woman for the purpose of procreation (1082, 1). The internal consent of the will is always presumed to correspond with the words or signs by which consent is manifested in the celebration of marriage (1086, 1). The matrimonial consent may be rendered invalid by error concerning the person one is marrying, by error

concerning a quality of that individual, which amounts to an error of the person, and error regarding the condition of the person *e. g.*, a free citizen marries a slave whom he presumes to be free (1083). Error about the unity, indissolubility, or sacramental dignity of marriage does not vitiate the contract (1084). Knowledge or opinion of the nullity of marriage does not necessarily exclude matrimonial consent (1085). If one or both parties by a positive act of the will exclude marriage itself, or all right to the conjugal act, or any of the essential qualities of marriage, they contract invalidly (1086, 2). Besides, the matrimonial consent may be rendered invalid by *grave fear* or *force* brought to bear *unjustly* upon one of the contracting parties by which he was forced to choose marriage to free himself from a difficulty (1087). Finally, the matrimonial consent may be rendered invalid by a condition added to the consent and not retracted, *e.g.*, if it is of the future and against the essence of marriage, or if it is of the past or present and is not realized (1092). The matrimonial consent is to be expressed in words. Signs may be used by those who cannot speak (1088, 2). Marriage may also be contracted through an interpreter (1090) or by proxy in case of necessity (1091).

- 130. Consent of Consultors.** When the law requires a Superior to obtain the consent of his consultors, his action is invalid without it. (105, 1).

131. Constitutions, Religious. Rules and particular constitutions of religious which are opposed to the canons of the Code are abrogated (489). The constitutions should be observed alike by superiors and subjects (593). At least once a year the constitutions and the prescribed papal decrees should be publicly read (509, 2). When approved by the Holy See they cannot be changed by the Ordinary (618, 2, 1).

132. Consultors, Diocesan. In dioceses without cathedral chapters of canons the Bishop shall appoint as diocesan consultors priests who are men of piety, virtue, learning and prudence (423). There should be six, or at least four diocesan consultors, and all should reside in the episcopal city or its vicinity. Before entering on their office they shall swear to perform their duties faithfully without human respect (425). They are appointed for three years, when they may be reappointed or others placed in their stead. They shall not be removed during their term without a just cause (428). Taking the place of the cathedral chapters as the council of the Bishop they take the same part in the government of the diocese (427). They must assist at the diocesan synods and provincial councils (358, 286). Vicars and Prefects Apostolic should form a Council of at least three of the older and more prudent missionaries, whom they should consult at least in more difficult affairs (302).

- 133. Consultors, Parish.** Parish consultors are clerics or lay men who act as an administrative council to the pastor in managing the temporalities of the parish. They are chosen by the Ordinary and may be removed only for grave reasons (1183). They are to care for the proper administration of church revenues but may not interfere in the spiritual affairs of the parish (1184).
- 134. Consultors, Religious.** The superior general, the provincial, and the local superior of religious shall have their consultors, whose consent or advice they must have to act in accordance with their constitutions and the sacred canons (516, 1).
- 135. Contracts.** The civil law on contracts and payments is to be followed in canon law concerning ecclesiastical goods, unless otherwise stated in canon law (1529, 1533). If a legal body, or one of its members, contracts a debt with the permission of the superior the legal body is held to the contract. If an individual member without permission of the superior contracts a debt he alone is held to the contract, and may be sued for damages by the one who suffered from the contract (536).
- 136. Contumacy.** Contumacy is necessary to incur a censure (2242). Contumacy in court establishes a

presumption against the person guilty of it (1729), on which the judge may proceed and pass sentence (1844) and assess the costs and expenses on the contumacious party (1851). And the guilty party cannot appeal until he has cleared himself of contumacy (1880, 8).

137. Conversion. The Catholic, married to a non-Catholic, is bound prudently to promote the conversion of the non-Catholic partner (1062). With the consent of the Holy See Bishops may convert pious funds to more useful purposes (1494).

138. Convocation. The presiding officer of a body shall duly convoke all members for an election (162). To convoke and preside at a meeting of the chapter is the right of the senior member (397, 4). For an ordinary meeting no convocation is required (411, 2).

139. Corner-Stone. The blessing of the corner-stone of a new church is reserved to the Ordinary for diocesan churches, and to the superior if it is a church of an exempt community (1163, 1156).

140. Corporals. Corporals used at Mass should be touched only by clerics or those who have care of them. Before they are given to the laity to be washed, they must first be washed by a cleric in major orders, and the water of this washing must be cast into the sacrarium or the fire (1306).

- 141. Corpses of the Faithful.** The corpses of the faithful are to be buried (1203) after a reasonable time (1213) in a blessed cemetery. Only prelates may be buried in the sanctuary and then one metre from the altar (1205). The bodies are to be brought to the church for services (1215) and accompanied by the priest to the cemetery (1231, 2). The body of a lay person is not to be carried by priests (1233, 4). A corpse once duly buried is not to be exhumed without permission of the Ordinary (1214, 1).
- 142. Corrupters.** All who attempt to corrupt ecclesiastical officials by gifts or promises shall be punished according to their guilt and compelled to repair any damage done (2407). Corrupters of youth by the fact become infamous and may be excommunicated by the Bishop (2357).
- 143. Council, General.** A General Council is convoked by the Pope, presided over by him or by his legate, governed and dissolved by him. And its decrees are ratified by him (222). All Cardinals, Patriarchs, Primates, Archbishops, Bishops, Abbots and General Superiors of religious Orders and Congregations of clerics are invited to the Council and have the right to vote at its deliberations (223). The decrees of the Council receive their binding force from the approbation and promulgation of His Holiness the Pope (227).

144. Council, Plenary. With the permission of the Pope the Bishops of a country may assemble in plenary Council. This council is convoked and presided over by a papal Legate (281). All Archbishops, Bishops, Apostolic Administrators, Abbots *Nullius*, Vicars Apostolic, Prefects Apostolic, and Vicars Capitular have a right to vote at its deliberations (282).

145. Council, Provincial. In every ecclesiastical province, a Provincial Council is to be held at least every twenty years (283). The Archbishop, or in his absence the senior Bishop of the province, first obtains permission of the Holy See to hold the council, then decides on the place within the province where the council is to be held, convokes it, and presides at it (284). Archbishops who have no suffragans, Bishops who have no Metropolitans, and Abbots *Nullius* should join some adjacent province and take part in its councils (285). The Archbishops, Bishops, and others who have the right to vote at Plenary Councils have the same right here (286). After a plenary or provincial council has been opened no one obliged to attend same can leave without a grave reason approved by the presiding Prelate (289). The cathedral chapter or the diocesan consultants are invited to send a delegation of two men, and the superiors of monasteries and provincial superiors of Congregations should be invited to attend, but neither class has a deliberative vote (286, 3-4).

- 146. Court.** Ecclesiastical matters are subject to the ecclesiastical court (1353). Any person who, without permission of the Holy See, cites a Cardinal, Papal Legate, major official of the Roman Curia, or his own Ordinary before the civil court incurs excommunication specially reserved to the Holy See. Any cleric who sues a priest or religious in the civil court without permission of the Ordinary is suspended. Any layman who does this shall be justly punished by the Ordinary (2314).
- 147. Cremation.** Cremation is to be reprobated (1203, 1). To wish it is unlawful, and to stipulate it in one's will must be considered as not binding, when Catholic funeral services are to be held (1203, 2). Whoever while living commands his body to be cremated shall be denied ecclesiastical burial (1240, 1, 5). Any one who would force a priest to give such a one ecclesiastical burial is thereby excommunicated (2339).
- 148. Crime, Impediment.** The impediment of crime invalidates marriage with the accomplice of the crime (1075).
- 149. Crime of Falsifying.** All who forge papal documents or knowingly use forged papal documents, incur excommunication specially reserved to the Holy See (2360). If any one falsely accuses a confessor of

solicitation, he incurs excommunication specially reserved to the Holy See, and must formally retract before he can be forgiven (2363).

150. Criminals. Public criminals cannot be sponsors at baptism (766, 2) nor at confirmation (796, 3).

151. Cult. We worship the Blessed Trinity, Father, Son, Holy Ghost, the God-Man Jesus Christ in heaven and in the Blessed Sacrament, with the cult of adoration. We honor the Blessed Virgin as the masterpiece of God, and the angels and saints as the friends of God in heaven. Sacred relics and pictures we honor with a relative cult that centers on the persons of the saints (1255). When this reverence is paid in the name of the Church, it is called public, otherwise private (1256). The public cult of the Church is regulated by her liturgy, and this is established by the Holy See (1257). The Ordinaries must watch over and regulate the public worship in their dioceses (1261). At divine worship the women should be separated from the men, and be modestly dressed with heads covered, while the men should assist with uncovered heads (1262). When there are not enough pews to accommodate the faithful, the Ordinary should not permit any one to have a pew reserved for himself (1263). The liturgical laws concerning sacred music must be observed (1264).

152. Cumulation. A cumulation of marriage impediments may be dispensed from (1043; 1049, 1).

Ordinarily a cumulation of the causes of the martyrs is not allowed (2001).

153. Curia, Diocesan. The Diocesan Curia consists of those persons who assist the Bishop in the government of the diocese. To the Curia belong the vicar general, the chancellor, the promoter of justice, the *defensor vinculi*, the synodal judges and examiners, the parochial consultors, the auditors, the notaries, the cursors and the apparitors (363). They are to be appointed in writing, take an oath before the Bishop that they will faithfully discharge their office, transact their respective duties in subordination to the Bishop and according to law, and observe secrecy as defined by law or the command of the Bishop (364).

154. Curia, Roman. The Roman Curia is composed of the Sacred Congregations, Tribunals, and Offices that aid the Pope in the government of the Church (242 ff.). (See Congregations, Tribunals, Offices.)

155. Custom. Customs disapproved by the Code or at variance with it are suppressed (5). For a custom to assume the force of law in the Church it must have the consent of the competent ecclesiastical superior (25). Only communities that are governed by law can

induce customs with the force of law (26). No custom can abrogate or modify a natural or positive divine law. To modify an ecclesiastical law a custom must be reasonable and lawfully prescribed by an uninterrupted usage of at least forty years. A custom which is explicitly disapproved of in the law is unreasonable (27). Custom is the best interpreter of laws (29).

156. Danger. Laws passed to safeguard against common danger bind even when there is no particular danger (21). The Viaticum must be received in danger of death (864). In danger of death any priest may absolve from all sins and censures (882).

157. Dataria Apostolica. The Apostolic Dataria is an Office of the Roman Curia which has charge of the minor benefices and pensions reserved to the Holy See. It must also investigate the qualifications of the candidates to these positions (261).

158. Day. A day consists of twenty-four consecutive hours, to be counted from midnight to midnight (31).

159. Deacon. A man to be ordained deacon must have completed his twenty-second year (975) and have begun his fourth year in theology (976, 2). He may be authorized to preach (1342, 1) and is the extraordinary minister of solemn baptism (741) and Holy

Communion (845, 2). He may expose the Blessed Sacrament, but not give the benediction (1274, 2). He may impart only those benedictions which the liturgy permits him (1147, 4).

160. Dead. Indulgences may be applied to the dead by way of suffrage (911). All indulgences are applicable to the dead, unless stated otherwise (930).

161. Dean. A dean is a priest appointed by the Bishop to preside over a deanery (445). He should be a worthy priest and a pastor (446). A dean has the right and duty to watch over the clergy of his district, to see that they fulfil the orders of the Bishop, and observe the liturgical and canon laws. He should visit his priests, especially in time of sickness, and provide temporal and spiritual assistance, and Christian burial for them (447). He summons the conference of the deanery and presides at it (448). At least once a year he ought to make report to the Bishop (449). He precedes all the priests of his district, and should have a seal proper to the deanery (450).

162. Deaneries. The Bishop should divide his diocese into regions or districts consisting of several parishes, which are called deaneries (217).

163. Debility of Mind. Debility of mind decreases the guilt (2201, 4) and may excuse from censures (2229, 3, 2).

164. Debts. Those who have debts may not licitly be admitted to the novitiate (542, 2). If a religious contracts a debt with the permission of the superior the community is responsible for it. If he personally contracts a debt without the permission of the superior, neither the Order, nor the province, nor the house is responsible for it (536, 2-3). In the division of the territory of a legal ecclesiastical person, the debts contracted for that territory shall be proportionately divided (1500).

165. Deceit. Renunciation of a benefice, brought about by deceit, is invalid (185). Those who are induced to enter the novitiate by deceit, enter invalidly (542, 1) and their profession is invalid (572, 1, 4). An action entered into through deceit may be rescinded and indemnity obtained (1684).

166. Declaration of Nullity of an Act. If an act is invalid the interested party has grounds to have it declared invalid by the court (1679). Whoever performs an act that is invalid is held to indemnify the injured party (1681).

167. Declaration of Nullity of Marriage. Where there is documentary evidence of the nullity of a marriage the Ordinary may declare the marriage invalid without the formality of a trial (1990). After the nullity of a marriage has been declared a second time and the

defensor vinculi does not appeal the case the interested parties may marry after ten days (1987). The Ordinary shall have the decree of nullity entered into the matrimonial register (1988).

168. Decrees, Judicial. All judicial pronouncements that are not interlocutory or definitive sentences are called decrees (1868). They may be intimated by messenger (1591, 1). There is no appeal from these decrees (1880, 6).

169. Decrees of Councils. The decrees of a general council receive their binding force for the Church from the confirmation and promulgation of the Pope (227). The decrees of plenary and provincial councils are to be sent to the Congregation of the Council for revision, after which the Fathers of the Council will promulgate them for their respective territories (291).

170. Decrees of Ordinary. Decrees which concern the external forum should be in writing (56). From the decrees of the Visitor an appeal *in devolutivo* is allowed (345) unless the Visitor has judiciary power (513). The removal of a pastor is made known to him by a decree (2152). He may claim a rehearing within ten days (2153). The decree of suspension *ex informata conscientia* need not be formal (2187). If the guilty cleric appeals from it the Ordinary must

forward the evidence on which he based his decree to the Holy See (2194).

171. Decrees, Roman. Roman decrees are to be edited under the supervision of the Moderators of the Congregations (1389). They are promulgated by publication in the *Acta Apostolicae Sedis* (9). Every superior should inculcate their observance among his subjects (509, 1). Religious superiors should have those decrees which concern religious read publicly every year (509, 2).

172. Dedication of Church (see *Church*).

173. Defensor Vinculi. A *Defensor Vinculi* is to be appointed in every diocese by the Ordinary to defend the bonds of Holy Orders and Matrimony before the diocesan court (1586). He should be a priest of integrity, well versed in canon law, known for his prudence and justice (1589, 1). In cases where his presence is required the procedure is invalid without it (1587).

174. Degradation. Degradation is a punitive penalty inflicted on clerics (2298, 12). It includes deposition, perpetual privation of the ecclesiastical garb, and reduction of the cleric to the lay state (2305, 1). It can be inflicted only for a crime to which the law attaches such a penalty (2305, 2).

- 175. Degrees.** Degrees in ecclesiastical institutions of learning are subject to the Sacred Congregation for Seminary and University Studies. In exceptional cases they are granted directly by it (256).
- 176. Delegate.** A delegate receives his commission from one having ordinary power (197). He acts invalidly if he exceeds the bounds of his mandate (203). If he is delegated by the Holy See he may subdelegate, otherwise he can do so only by special concession (199). A delegate exhausts his power by carrying out his commission, or by the lapse of time for which he was commissioned (207).
- 177. Delegate, Papal.** The Pope has the power to send his Legates to any part of the world (265). A Legate is called *a latere* when a Cardinal is sent to impersonate the Pope (266). He is called Nuntius or Internuntius, when he is the permanent legate to a civil government, and Delegate Apostolic when he does not stand in any official relation to the government but only reports to the Pope on the condition of the Church. A Legate ^{usually} always has special faculties delegated to him by the Holy See (267). Legates do not interfere with the jurisdiction of the Ordinaries, though they precede all Ordinaries except Cardinals (269).
- 178. Delegation for Marriage.** The Bishop in his diocese and the pastor in his parish may delegate a

priest validly to assist at a marriage (1095, 2). This delegation must be to a specified priest for a specified marriage (1096).

179. Delinquents. The Church has a divine right to punish her guilty subjects with both spiritual and temporal penalties. Bishops should treat their subjects with the patience and kindness of a parent for his children, and thereby influence them to strive after virtue and desist from vice (2214). The Church punishes delinquents with corrective, punitive, and penitential punishments (2216).

180. Demoniactal Possession. Those who were or are possessed by the devil incur the impediment of irregularity (984, 3).

181. Denunciation. Clerics and religious who join the Free Masons or other similar societies are to be denounced to the Sacred Congregation of the Holy Office (2336, 2). The confessor guilty of solicitation during confession is to be denounced by the penitent within a month to the Ordinary or to the Holy Office (904). A false denunciation of the confessor is a sin reserved to the Holy See (894).

182. Departure from Religious Life. Departure from religious life at the expiration of temporary vows is freely permitted (637). The Pope can secularize religious with papal law, and the Ordinary members of

diocesan congregations (638). A person who is secularized by the Pope shares in the spiritual privileges of his Order and becomes subject to the Bishop by his vow of obedience (639). A religious priest who leaves the Order, after having made perpetual vows, cannot exercise his major orders until he has found a Bishop to receive him (641). A secularized religious cannot receive a benefice in the cathedral, teach in a seminary, or fill a position on the diocesan Curia (642). Religious who leave their Order, are secularized, or dismissed, cannot ask for compensation (643). A religious who unlawfully leaves the Order with the intention of not returning is an apostate. One who leaves unlawfully with the intention of returning is a fugitive (644). Superiors have the duty of searching for apostates and fugitives and of receiving them back if they return with true repentance (645).

183. Deposition of a Cleric. Deposition imports suspension from office as well as inability for promotion to any position in the Church, and the privation of every office which the guilty cleric actually has, even though he was ordained under their title. All the obligations of the cleric bind him in his deposed condition. Deposition can be inflicted only for cases expressed in law (2303).

184. Desecration of Churches. Churches are desecrated by the following certain, notorious crimes com-

mitted therein: homicide, sinful and profane shedding of blood, using it for godless and sordid purposes, burial of an infidel or of an excommunicated person (1172). It is forbidden to hold divine services, to administer any sacraments or to hold funeral services in a desecrated Church before it is reconciled (1173). A church that had been blessed may be reconciled by the pastor or another priest delegated by him. A church that had been consecrated may be reconciled by the Bishop or a priest delegated by him (1176).

185. Dimissorial Letters. A cleric that is ordained by any one but his Ordinary must have dimissorial letters from his Ordinary (958). The dimissorial letters may be sent to any Bishop of the same rite in communion with the Holy See (961). They may be limited or revoked by the person who issued them as well as by his successor (963). Exempt religious may obtain dimissorial letters from their local superior for tonsure and minor orders; for the lawful resumption of major orders they must have dimissorial letters from their superior general. The dimissorial letters must be sent to the Ordinary of the diocese in which the religious to be ordained lives (964).

186. Diocese. The Pope alone can erect ecclesiastical provinces, dioceses, abbeys *nullius*, vicariates apostolic, and prefectures apostolic, change their limits, divide, unite, or suppress them (215). The territory of each

diocese shall be divided into distinct territorial sections. Each section shall have its own church to which the Catholic population of the district shall be assigned. Such a church is presided over by a rector as the proper pastor for the necessary care of souls. The parts or sections of a diocese are called parishes, those of vicariates and prefectures apostolic are called quasi-parishes, and the priests assigned to them are quasi-pastors.

Without the special permission of the Holy See no new parishes for distinct nationalities, or for classes of people are to be established (216). The Bishop shall divide his territory into regions, comprising several parishes, called deaneries. If this division seems impossible the Bishop will consult the Holy See, unless it has already made provision (217).

187. Dismissal of Benefices. Bishops should not permit clerics in major orders to give up their benefice unless they have sufficient income for an honest living (1484). If a cleric was ordained under the title of a benefice it would be invalid for him to renounce it (1485). Neither can Bishops permit the resignation of a benefice for the benefit of another under a condition which affects the conferring of the benefice or its revenues (1486).

188. Dismissal of Religious. Religious who apostatize from the faith, who elope, who marry, are thereby dis-

missed from their Order (646). Novices may be dismissed by the superiors for a grave reason (571). Religious with temporary vows may be dismissed by their major superiors with the consent of their council for grave reasons (575, 647). A cleric professed for life in an exempt Order or Congregation, or a cleric or a lay man or woman professed for life in a non-exempt Order or Congregation, cannot be dismissed without a formal process (649). This process consists in being twice admonished; after committing three crimes, the dismissal of the subject is voted for by a majority of the consultors (656-662). If there is no amendment the superior general will dismiss the subject, if he is a man, with the final approbation of the Sacred Congregation of Religious (655-666). In the case of a sister, who is a member of an Order or Congregation under papal law, the Mother-General shall refer the matter of dismissal to the Sacred Congregation, with all the acts and documents for decision (652, 3). In the case of a solemnly professed sister (of an independent community) the local Ordinary shall send all acts and documents to the Sacred Congregation for final judgment (652, 2). In the case of a sister professed in a diocesan congregation the Ordinary has the power to dismiss her after carefully weighing the evidence (652, 1). A religious who has thus been dismissed is still bound by the vows and must seek readmittance (669, 672). If the religious is a cleric who has been convicted of a crime (646) he is de-

posed and degraded (670). If he was dismissed for a lesser fault he remains suspended until he is absolved and dispensed by the Sacred Congregation, and finds an Ordinary to receive him (671).

189. Dismissal of Seminarians. Students who are incorrigible, seditious, wanting in manner and disposition suitable for the ecclesiastical state, as well as those who make very little progress in their studies, are to be dismissed from the seminary (1371). Students who have been dismissed from one seminary or religious community are not to be received into another before the Bishop has thoroughly investigated their record and found there is nothing in their character unbecoming to the sacerdotal state (1363).

190. Disparity of Worship. Disparity of worship renders marriage invalid between a Catholic and a person not baptized (1070). The Bishop may declare the nullity of such a marriage without a process (1990). When two persons not baptized marry and one of them later on turns Catholic, their marriage may under certain conditions be dissolved by the Pauline privilege (1120, 1). Dispensations from this impediment are granted by the Congregation of the Holy Office (247). For a dispensation to be valid, there must be serious reason for granting it, and the required promises must be made in writing (1061, 1071).

191. Dispensation from the Law. In a doubt of fact the Ordinary may dispense from laws from which the Pope usually dispenses (15). A dispensation may be granted by the law-giver, by his successor, by his superior, and by his delegate (80). The Pope can dispense from the general laws of the Church. Ordinaries can dispense as delegates of the Pope, or in an urgent case in which the Pope usually dispenses, when recourse cannot be had to him (81). Ordinaries may dispense from diocesan laws, and in particular instances and for grave reasons from Provincial and Plenary laws (82). In special cases and for good reasons a pastor may dispense individuals and families subject to him from the laws of fasting and abstinence (1245, 1). He has no ordinary power of dispensing (83). A just and reasonable cause is necessary for a dispensation. If given by one with delegated power the dispensation would be invalid without this cause. In doubt about the sufficiency of the cause the dispensation may be licitly and validly granted (84). Both the faculty of dispensing and the dispensation are to be interpreted strictly (85).

192. Dispensations from Matrimonial Impediments.

No one but the Pope can dispense from matrimonial impediments unless empowered by the common law or the Holy See (1040). If the petition for a dispensation is sent to the Holy See the Ordinary will not use his faculties excepting in cases that suffer no

delay (1048). Where major and minor dispensations are required the Ordinary will ask them from the Holy See (1050). Dispensations for mixed religion, disparity of worship and the Pauline privilege must be asked from the Holy Office (246, 3). Whoever grants a dispensation as a delegate of the Holy See must state that fact in the dispensation (1057).

In urgent danger of death the Ordinary may dispense from the form of celebrating marriage, and from all and every impediment of ecclesiastical law, excepting when arising from the sacred order of priesthood and from affinity in the direct line. The usual precautions must be taken to remove scandal and to safeguard the religious education of children, when the dispensation for disparity of worship or mixed religion is used (1043).

If the Ordinary cannot be approached in a case of urgent danger of death, then the pastor or another priest, even though not delegated by him (1098, 2), and, for the internal forum and in sacramental confession, the confessor have the same faculties as the Bishop (1044).

Under the conditions mentioned in 1043 the Ordinary may dispense from all impediments enumerated in 1043 whenever an impediment is discovered only after preparations for the marriage have been made, and the ceremony cannot be delayed until a dispensation can be obtained from the Holy See without probable danger of great evil (1045, 1). This

faculty also holds for the validation of a marriage already contracted, if delay is dangerous and there is not sufficient time to apply to the Holy See (1045, 2). In the same circumstances all priests mentioned in 1044 have the same faculties, but only in occult cases in which they cannot approach the Ordinary, or only with danger of violating the seal of confession (1045, 3). The pastor or priest, spoken of in 1044, shall at once notify the Ordinary of the dispensation he has granted in the external forum, and it shall be entered in the marriage records (1046).

Whoever has the general indult of dispensing from a certain impediment may also dispense when that impediment is multiple. And whoever has the general indult of dispensing from several kinds of impediments may also dispense from them though they are public and occur in one and the same case (1049). If there occurs an impediment from which he cannot dispense, along with others from which he can dispense, he must ask a dispensation from all from the Holy See (1050). The dispensation from a diriment impediment usually includes the legitimization of the offspring (1051). A dispensation from consanguinity or affinity is valid even if an error about the degree occurred in the application or in the concession, provided the degree really existing be inferior to the one mentioned (1052). A dispensation from a lesser impediment is not invalidated by a lie in the petition (1054).

- 193. Disputations with Non-Catholics.** Catholics should avoid having disputations, especially public ones, with non-Catholics without the permission of the Holy See, or in an emergency of the Ordinary (1325, 3).
- 194. Divine Office.** Clerics in major orders are bound to say the Divine Office under pain of mortal sin (135). All religious who have the obligation of the choir must say the Divine Office if there are four choir members present. In Orders with solemn vows the solemnly professed choir members must say the Divine Office privately if they have been absent from choir (610).
- 195. Divine Worship.** (See *Cult.*)
- 196. Division.** The Pope has the power of dividing dioceses, etc. (215, 1). Dioceses shall be divided by the Bishop into parishes (216) and into deaneries (217). The Bishop may divide parishes without the consent of the pastor or the parishioners, for the spiritual welfare of the people (1427).
- 197. Doctors' Rights.** Doctors have the right to wear a ring with a stone and the doctor's hat. Other things being equal they are to have the preference in the distribution of offices and benefits by the Bishop (1378).

198. Doctrines, Condemned. Those who obstinately teach or defend doctrines condemned by the Church, though not as heretical, are to be kept from preaching, hearing confessions, and all other offices of teaching (2317).

199. Documents. Any one who steals, destroys, conceals, or substantially alters any document belonging to the episcopal Curia incurs excommunication reserved to the Holy See (2405). For admission to the seminary the applicant must present documents showing that he is of legitimate birth, baptized, confirmed, and of good character (1363, 2). To enter religion copies of the baptismal and confirmation records of the applicant are required (544, 1). For ordination the candidate must present testimonials of the last order received, of course completed according to canons, of good conduct from the seminary authorities, of the Ordinary in whose diocese the candidate lived for a time, of permission from the superior general if he is a member of an Order or a Congregation (993). For licit marriage the law requires a testimonial of baptism received (1021) and, if the pastor has reason to demand it, a testimonial from every place the parties lived in since they came to the age of puberty, stating that they are free to marry (1023).

200. Domicile. A domicile is acquired in a parish and in a diocese by residence with the intention of living

there permanently unless something calls the person away, or by actually residing there for ten full years. A quasi-domicile is acquired by living in a parish or diocese with the intention of remaining the greater part of the year, or by actually living there for that length of time (92). The wife necessarily shares the domicile of her husband, the insane that of his guardian, the minor that of his parent or guardian. A child of seven, and a wife can acquire quasi-domiciles of their own, while a wife legally separated from her husband can acquire a domicile of her own (93). Through domicile and quasi-domicile the faithful obtain their proper pastor and Ordinary. Transients and vagrants, and those who have only a diocesan domicile or quasi-domicile have their proper pastor in the one in whose parish they actually stay (94). For marriage, a month's residence in a parish suffices for quasi-domicile (1097, 1, 2).

201. Donations. Donations made to rectors of churches are presumed to be for the church (1330). Prelates and rectors cannot make donations of the movable goods of the church (1329). Donations by religious are made by way of alms or other just cause with the permission of the superior (537).

202. Doubt. The Church supplies jurisdiction both for the external and the internal forum not only in common error but also in positive and probable doubt of

fact as well as of law (209). In doubt of fact the Ordinary may dispense from the law (15). In doubt about the sufficiency of the cause a dispensation may be licitly asked and granted (84, 2). In doubt about the owner the judge will divide equally between the claimants (1697, 2). In doubt about the justice of a punishment, it must be carried out unless an appeal is taken to a higher court (2219, 2). Matrimony has the right of law; in doubt it is presumed valid until proven otherwise (1014).

203. Dowry. (See *Novitiate, Dowry.*)

204. Drunkenness. Drunkenness reduces the responsibility of actions performed in that state unless a person became drunk to sin with greater abandonment (2201, 3). As long as a person is capable of committing mortal sin in a drunken state he also incurs the censures attached to it (2229, 3, 2).

205. Duel. Those who die as the result of a duel are to be denied ecclesiastical burial, unless they have shown repentance before death (1240, 1, 4)). They are likewise to be refused all public funeral services, exequial and anniversary Masses (1241). All who promote duels in any way incur excommunication reserved to the Holy See (2351, 1).

206. Easter Communion. (See *Communion.*)

207. Editors. Editors who publish forbidden books incur excommunication specially reserved to the Holy See (2318).

208. Education for Children. It is a most grave obligation of parents to give their children a religious, moral, physical, and civil education according to their means, and to provide for their temporal welfare (1113). If one parent seeks to give the children a non-Catholic education the other thereby has grounds for permanent separation according to the judgment of the Ordinary (1131-1132). Parents who bring up their children in a non-Catholic denomination incur excommunication (2319, 1, 4). (See Parents, Pastor, Schools.)

209. Election. An election is held to fill a vacancy (161). It must be conducted canonically (160) at the time, in the place, and in the manner specified (162). After the electors have been lawfully convoked they personally vote, but never by letter or proxy (163). Each elector has but one vote (164). No one can vote for himself (170). An election by compromise is valid (172). The person elected must accept within eight days (175). A majority of votes for the first two ballots, and a plurality of votes for the third ballot is required for election (174, 101). If an election requires a confirmation it must be asked within eight days (177).

The Pope may be elected by acclamation, compromise, or two-thirds vote of the assembled Cardinals (Const. Pii PP. X). Cardinals (232) and Bishops are freely chosen by the Pope (329). Members of the diocesan Curia, deans (445), pastors (455), and assistants (471), are chosen by the Bishop (363).

At the election of a superior general of male religious the capitulars must swear they will vote conscientiously before the election takes place (506, 1). At the election of a mother superior the Ordinary presides (506, 2). If the election is of a mother superior of a diocesan congregation the Ordinary must confirm or annul the election (506, 4).

210. Enclosure. The enclosure must be observed in all houses of religious men and women with solemn vows (597). No women are admitted within the enclosure of regulars (598). Except in case of necessity and with permission no persons are admitted within the enclosure of nuns with solemn vows (600). In the houses of other religious women the law of enclosure shall be observed so that anyone not privileged to enter, will require a good reason and the permission of the superior for admission (604). For an absence of more than six months from her community, excepting to pursue special studies, a sister needs the permission of the Holy See (606). Except to collect alms, with the consent of the Ordinary (622), the superior cannot permit her subjects to live outside the houses of the

Order for a long time (606). All persons who violate the law of enclosure in houses of solemnly professed religious incur excommunication reserved to the Holy See (2342).

211. Engagement, Marriage. No engagement is binding in either forum that is not made in writing and signed by the parties and either their pastor, their Ordinary, or at least two witnesses (1017, 1).

212. Epileptics. Epileptics are irregular by defect (984, 2).

213. Epitaphs. Epitaphs out of harmony with Catholic faith and piety should not be placed in Catholic cemeteries (1211).

214. Equity. Equity demands that a religious woman on leaving her community be supported for a time by her community if she is poor. In case of disagreement about the amount the Bishop is to decide (643).

215. Error. An error about the person, the place, the favor, or the reason for granting it does not invalidate a rescript as long as there is no doubt about the identity of the person and the favor granted him (47). Error is not presumed when it concerns the law or its penalty, one's own action, or the notorious action of another (16, 2). Error annuls an action when it concerns its substance or substantial condition. In

contracts error may give the person contracting under such error the right to have the contract rescinded in court (104). Error about the degree of consanguinity or affinity in the application does not annul the dispensation (1052).

216. Error about Matrimonial Consent. (See *Consent.*)

217. Eucharist, Blessed. In the Blessed Eucharist Christ the Lord is contained, offered and received (801) and should be adored (1255). The Blessed Sacrament may be kept in every parochial and religious church, and, with the permission of the Ordinary, in every public and semi-public oratory of religious houses, charitable and ecclesiastical institutions, provided there is a person to guard it, and the priest says Mass there regularly at least once a week (1265). To keep it in other churches and oratories requires the permission of the Holy See. The Ordinary may grant this permission to a church or public oratory for special occasions (1265, 2). It is not allowed to any one to keep the Blessed Sacrament in his private house or to carry it with him on a journey (1265, 3). Every church in which it is kept should be open to the faithful for at least a few hours daily (1266). It cannot be kept continually on more than one altar in a church. It should be placed in the most prominent and best ornamented place in the church. The altar on which

it is kept should be decorated to inspire devotion (1268). It should be kept in an immovable tabernacle placed in the middle of the altar. The key of this tabernacle must be well guarded (1269). A sufficient number of particles for Communion should always be kept in a clean and closed pyx covered with a white silk veil (1270). A lamp, in which olive oil, bees' wax, or other vegetable oil is burnt, should burn day and night before the Blessed Sacrament (1271). The particles should be renewed frequently according to the instruction of the Ordinary (1272). All who give instruction should foster devotion to the Blessed Sacrament (1273). Private exposition of the Blessed Sacrament can be held without the permission of the Ordinary, but this permission is always necessary for public exposition (1274). The Forty Hours' shall be annually held in all churches where the Blessed Sacrament is habitually kept (1275).

218. Eucharistic Fast. To receive Holy Communion the natural fast from midnight must be observed unless a person is in danger of death or sick in bed for a month. In the latter case the sick person may receive Holy Communion twice a week after taking medicine and liquid food (858). The Eucharistic fast for priests is under the jurisdiction of the Congregation of the Holy Office (247). Priests who celebrate Mass without observing the Eucharistic fast are to be suspended by the Ordinary (2321).

219. Examinations. Newly ordained priests must pass an annual examination for three years (130). The Bishop, or a priest delegated by him, shall, at least thirty days before the reception or profession, examine each of those to be received or professed, whether she of her own free will enters the novitiate, makes or renews her profession (552). Every candidate for ordination must undergo an examination on the order he is about to receive (996). The Ordinary and religious superiors should not grant faculties to hear confession except to those who by examination have been found capable (877, 1). The faculty of preaching is granted under the same restriction (1340, 1).

220. Examiners, Synodal. In every diocese there ought to be from four to twelve synodal examiners. They are instituted at a synod, the Bishop proposing, the synod approving them (385). They are appointed for ten years or to the next synod (386). The synodal examiners should assist the Bishop in the examination for the appointment, and in the trials, of pastors (389).

221. Excardination. Excardination from one's own diocese must precede incardination into another (112). The Vicar General cannot grant it without the mandate of the Bishop (113). Excardination takes effect only at the moment of incardination into another diocese (116). By religious profession for life a cleric is excardinated from his diocese (115, 585).

222. Excommunication. Excommunication is a censure which excludes a person from communion with the faithful (2257). An excommunicated person is either a *toleratus* or a *vitandus*. Only he who has been publicly declared a *vitandus* and denounced by name by the Holy See is considered a *vitandus* (2258). Every excommunicated person is deprived of the right to assist at divine offices (2259), is forbidden to receive the Sacraments (2260), and is deprived of the indulgences, suffrages, and public prayers of the Church (2262). The *vitandus*, besides, is deprived of ecclesiastical burial (2260), is not permitted private Mass for the repose of his soul (2262), and while living is deprived of every ecclesiastical appointment and must be avoided even in secular affairs (2267).

223. Exemption. All regulars, including nuns subject to them, with their novices, houses, and churches, are exempt from the jurisdiction of the Ordinary in whose diocese they are established (615). Religious with simple vows do not enjoy this exemption unless by special concession (618). Regulars may have an oratory exempt from the visitation of the Ordinary (239, 1, 18). Hospitals, orphanages, and other institutions conducted by them are not exempt (1491-1492). Neither are they exempt in their apostolic labors (1261, 2). They are exempt from the pastor in whose parish they are (464, 1), as also is the seminary (1368).

224. Exercise of Piety. The Ordinary must take care that the clergy practise exercises of piety (125). The master of novices must instruct the novices in exercises of piety (565). The superiors must take care that their subjects practise exercises of piety (595). Exercises of piety in churches and oratories are under the supervision of the Ordinary (1259, 1). The Ordinary must take care that seminarians perform exercises of piety (1367).

225. Exercises, The Spiritual. The Spiritual Exercises are to be made annually by the seminarians for several days (1367, 4), for three days before the reception of tonsure and minor orders, and six days before the reception of sacred orders (1001, 1). Secular priests should make a retreat at least every third year (126). Postulants before entering the novitiate should make a retreat for at least eight full days (541). Before making their profession novices should make a retreat for at least eight entire days (571, 3). Religious shall make a retreat every year (595, 1, 1). The Ordinary shall insist that pastors have missions given to their parishioners at least once in ten years (1349). The spiritual exercises may be imposed as a canonical penance (2313, 1, 1).

226. Exorcist. The order of exorcist is one of the minor orders (949). To perform the exorcisms over possessed persons requires, besides the power of orders,

the special and express permission of the Ordinary. This permission should be given only to a priest endowed with piety, prudence and integrity, who will not perform the exorcisms until he has discovered by a diligent and prudent investigation that the person to be exorcised is really possessed by the devil (1151). The exorcisms may be performed not only over the faithful and catechumens, but also over non-Catholics and excommunicated persons (1152). Any cleric, empowered to baptize, bless, and consecrate, is also empowered to use the exorcisms which occur in these sacred rites (1153).

227. Exposition of Blessed Sacrament. In any church or oratory, in which the Blessed Sacrament is kept, private exposition with the ciborium may be given without the Ordinary's permission, and public exposition with his permission (1274). A priest or a deacon may expose the Blessed Sacrament, but only a priest can give the benediction (1274, 2).

228. Extreme Unction. The sick should receive Extreme Unction while they still have the full use of their faculties (944). The pastor is the ordinary minister of Extreme Unction (938, 2). He is bound in justice to administer it to his parishioners. In case of necessity he is bound in charity to administer it to others (939). It can be given only to the faithful, who, after coming to the use of reason, are in danger

of death from sickness or old age. It can be conferred only once in the same sickness (940). It should be given conditionally where there is a doubt whether a person has come to the use of reason, is in danger of death, is really dead, or is impenitent when unconscious (941-942). But it is to be given absolutely to the sick, even though unconscious, who would very likely ask for it if they had the use of their senses (943).

The oil used in Extreme Unction is specially blessed for this purpose by the Bishop (945). The pastor should not keep it in his house excepting from necessity or some other reason approved by the Ordinary (946). The unctions should be made according to the ritual. In case of necessity one unction on the forehead with the short form will suffice. The anointing of the loins should always be omitted. For any good reason the anointing of the feet may also be omitted. Excepting in grave necessity the anointings are to be made by the hand of the priest without the use of any instrument (947).

229. Faculties. The habitual faculties granted in perpetuity, for a definite time or for a certain number of cases, are classed as privileges and may be liberally interpreted. Unless they are given personally to the Bishop the vicar general shares in them. They also include whatever is necessary for their use (66, 200). (See Jurisdiction.)

230. Fast Days. The Holy See alone establishes fast days for the universal Church. Ordinaries may appoint a fast day for a special occasion (1244). The Ordinary in his diocese, the pastor in his parish, and the superior of an exempt community may in individual cases dispense their subjects from the fast for good reasons (1245). A fast day is reckoned from midnight to midnight (1246).

231. Favors. Favors may be granted to any one in communion with the Holy See (36). Without the consent of the Congregation that refused a favor the same cannot be granted by another Congregation or by the Ordinary (43). Likewise, if refused by the vicar general it cannot be granted by the Bishop without knowledge of this refusal. But if refused by the Bishop it can in no case be granted by the vicar general (44). Favors are not rendered invalid by an error in the name of person or place (47).

232. Fear. Actions inspired by grave fear from unjust threats are valid but may be rescinded by the judge (103). A cleric ordained through grave fear may appeal to the Bishop and if he can prove his case must be pronounced free from his obligations (132, 214). Marriage contracted under the influence of grave fear unjustly induced is invalid (1087).

233. Foetus. Every foetus born prematurely should be baptized. If life is doubtful it should be baptized

conditionally (747). If a mother dies in pregnancy the foetus when extracted should be baptized in like manner (746). Unusual forms of foetus should be baptized at least conditionally (748). If a foetus was baptized in the mother's womb, the child when born shall be baptized again conditionally (746).

234. Force. An action done through physical force that could not be resisted, is considered as not performed (103). Those who force another in any way to enter the clerical life, or a religious community, or to take simple or solemn vows, temporary or perpetual, are thereby excommunicated (2352).

235. Form of Marriage. The form of marriage requires that it be contracted before the pastor and at least two witnesses (1094). On the part of the cleric this form requires that he be in possession of his diocesan faculties, act within the limits of his territory, and act of his free will, or that he be duly delegated by pastor or Bishop (1095). This assistance is licit after the pastor has found the contracting parties free to marry, at least one of them his subject, or obtained permission from their pastor or Ordinary (1097). In danger of death marriage may be validly and licitly contracted before two witnesses, if no duly authorized priest can be had. At other times when it can prudently be foreseen that the priest cannot be had for a month, the parties may validly and licitly marry

before two witnesses (1098). Catholics are held to this form who marry Catholics or non-Catholics (1099).

236. Formula. The formula for absolution from sins in the ritual must be used. Though the accompanying prayers are not necessary for absolution they are not to be omitted without just cause (885). The formula for absolution in the sacramental forum includes absolution from censures. Though no formula is prescribed in the external forum the sacramental formula may be used when absolving from excommunication (2250, 3). Where a formula is prescribed by the Church for consecrations and blessings they would be invalid without its use (1148, 2).

237. Forty Hours' Devotion. On the days fixed by the Bishop the Forty Hours' Devotion shall be solemnly held in every church where the Blessed Sacrament is habitually preserved. Where the exposition cannot be held for forty consecutive hours the Ordinary may arrange it to be held for several hours of the day on certain days (1275).

238. Forum. Jurisdiction in the external forum holds also in the internal forum, but not vice versa. Unless jurisdiction is restricted to the sacramental forum jurisdiction given for the internal forum can be exercised also out of confession. Where the forum is not mentioned in the faculties jurisdiction is given for

both forums (202). Jurisdiction in the internal forum continues if the priest through inadvertence did not observe the expiration of his faculties (207). The Sacred Penitentiary grants special faculties for the interior forum (258). Clerics and religious enjoy the privilege of the ecclesiastical forum (120, 614).

239. Foundation. New dioceses are founded by the Consistorial Congregation (248, 1). Hospitals, orphanages and similar institutions may be founded by the Bishop (1489, 1). Pious associations and confraternities must be founded or approved by the Ordinary (686, 1; 708). With the approbation of the Holy See the Bishop may found a house of a religious Congregation in his diocese. For the foundation of a house of regulars or exempt religious the written approbation of the Holy See and of the Ordinary is required (497).

240. Foundations, Pious. A pious foundation is a gift of temporal goods to a moral body in the Church with the obligation of saying Masses or of performing other ecclesiastical functions in perpetuity (1544, 1). The Ordinary must define the amount required for a pious foundation and arrange for its distribution (1545). The written permission of the Ordinary is required for its acceptance (1546), and of the religious superior in the church of religious (1550). Unless otherwise provided for, a reduction of the obligation contracted

by accepting a pious fund is reserved to the Pope (1551, 1).

241. Foundlings. The place of origin of a foundling is considered the place where it was found (90, 2). Unless there is certainty of its baptism it is to be baptized conditionally (749).

242. Functions, Parochial. The functions reserved to the pastor are: to baptize solemnly, to give Viaticum and Extreme Unction to the dying, to proclaim the banns, to assist at marriages and to give the marriage blessing, to bless the baptismal font and the houses of parishioners on Holy Saturday, to conduct public processions outside the church, to impart blessings with pomp and solemnity outside the church, and to conduct ecclesiastical funerals (462).

243. Funerals. The funerals of parishioners are reserved to the pastor (462, 5). The funeral services are to be held in the church and according to the liturgy (1215). If the deceased belonged to several parish churches the funeral services should be held in the church of the parish where he died (1216). A person may personally or through another choose another church and cemetery for his funeral services (1226). The pastor cannot forbid secular clergy, religious, and pious societies invited by the family to assist at the services (1233). Ordinaries shall draw

up a schedule of funeral taxes for their territory (1234). The poor shall receive decent funeral services and burial free of charge (1235). Catholic funeral services cannot be held for notorious apostates, heretics, schismatics, Masons, or members of other societies of the same kind, persons excommunicated or interdicted by condemnatory or declaratory sentence, culpable suicides, duelists, those who give orders to have their bodies cremated, and all other publicly known sinners. If a doubt arises the Ordinary should be consulted. If the doubt persists the body should be given ecclesiastical burial but in such a manner that scandal be avoided (1240).

244. Games of Chance. Clerics must not play games of chance with money (138).

245. Garb, Clerical. All clerics are bound to wear a becoming clerical garb in accordance with the legitimate customs of places and the regulations of the Ordinary (136, 1). Clerics who do not wear the ecclesiastical garb and have been admonished without result, shall, if in major orders, be suspended from their order unless they amend within one month. Clerics in minor orders *ipso facto* forfeit the clerical state if they do not heed the admonition of the Ordinary (2379).

246. Goods of the Church. The Catholic Church and the Holy See have the right to acquire, retain and ad-

minister temporal goods for their proper purposes. Individual churches and other moral persons have the right to acquire, retain and administer temporal goods according to the sacred canons (1495). The Church has also the right to demand the necessary means of the faithful for the purposes proper to her end (1496). The temporal goods and rights which belong to the universal Church, to the Holy See, or to any legal person in the Church are ecclesiastical goods. These goods are *sacred* if destined for divine worship by consecration or blessing; *precious* if valuable either for art, history, or material.

The Church can acquire temporal goods by all just means. Under the supreme authority of the Holy See these goods belong to that legal person who rightfully acquired them (1499). If a legal person ceases to exist, his goods shall belong to the immediate superior legal person (1511). No one can collect without the written permission of the Holy See or of his own Ordinary and of the Bishop in whose diocese the alms are to be collected (1503). All churches subject to his jurisdiction must annually pay the Bishop the cathedraticum (1504). Besides the seminary tax and the pensions the Bishop can impose a special tax on the diocese in special needs (1505).

The will of the faithful who leave their goods by donation or last will to pious institutions shall be most faithfully executed (1514). In these donations

and bequests the Ordinaries are the executors (1515). If a cleric or religious has received goods in trust for pious purposes he must inform the Bishop who will see they are safely invested (1515, 2). The Pope is the supreme administrator and dispenser of all ecclesiastical goods (1518). The Ordinary must faithfully administer the goods under his jurisdiction (1519). To aid him he may appoint a board of administrators for these goods (1520). Every year all administrators of ecclesiastical goods must render a financial statement to the Bishop (1525).

247. Goods of Religious. Not only the Order or Congregation, but also the province, and the individual house may acquire and possess temporal goods (531). The goods are to be administered according to the constitutions (532). Besides complying with their constitutions, religious must have the consent of the Ordinary for an investment, if the community is not under papal law, or any religious when there is question of using real estate donated for charitable or church purposes (533). When there is question of selling for, or of contracting a debt of more than 30,000 francs, the permission of the Holy See is required (534). At least once a year every house of nuns must render a financial statement to the Bishop. In houses of diocesan sisterhoods he may inquire more frequently. In either case he can apply a remedy for maladministration (535).

248. Habit. Postulants shall wear a modest dress different from that of the novices (540, 2). The novices shall wear the habit prescribed for them by the constitutions during the entire novitiate (557). The name and habit of an established Order or Congregation cannot be taken by those who do not belong to it, nor by a new organization (492, 3). Religious shall wear the habit of their organization both at home and outside (596). Secularized religious may not wear the habit (639). Secularized clerics should put aside their habit and wear the cassock of secular priests (640, 1, 1).

249. Heretics. A heretic is a person who has been baptized and claims to be a Christian, but who *pertinaciously* denies or doubts a truth which must be believed with divine and Catholic faith (1325, 2).

250. Heroic Virtue. Heroic virtue is required in Servants of God for beatification and canonization (2104).

251. Hierarchy. The hierarchy, which is of divine institution by reason of the sacred orders, consists of Bishops, priests, and ministers. By reason of jurisdiction it consists of the supreme pontificate and the subordinate episcopate. And by institution of the Church other degrees also were added (108, 3). Those who are received into the ecclesiastical hierarchy are placed in the degrees of the power of orders by sacred ordination (109).

252. Holy-Days. The supreme authority of the Church alone has the right to establish, transfer, and abolish holy-days of obligation for the universal church (1087). The holy-days of obligation are: All Sundays, the feasts of Christmas, Circumcision, Epiphany, Ascension, Corpus Christi, Immaculate Conception, Assumption, St. Joseph, SS. Peter and Paul and All Saints. If any of the above feasts have been abolished in some country nothing should be done concerning them without consulting the Holy See (1247). On holy-days of obligation the faithful must hear Mass and abstain from servile work, legal action and public sales (1248).

253. Holy See. (See *Apostolic See.*)

254. Honesty, Public. Public honesty arises from an invalid marriage and from public and notorious concubinage. It invalidates a marriage in the first and second degree of the direct line between the man and the blood relations of the woman, and vice versa (1078).

255. Hospitals. (See *Institutions.*)

256. Hosts, Abuse of Consecrated. Excommunication specially reserved to the Holy See is visited on any one who desecrates consecrated particles, carries them off, or keeps them for an evil purpose (2343, 1).

257. House, Establishment of Religious. To establish a house in another diocese a diocesan congregation needs the consent of both Bishops (495, 1); an exempt Order or Congregation, and nuns with solemn vows need the permission of the Holy See together with the written consent of the local Ordinary (497, 1).

258. House of Studies. (See *Studies, House of*.)

259. Ignorance. Ignorance of invalidating or inhabilitating laws does not excuse from invalidity of action (16). Ignorance lessens, and may even take away, the responsibility of an action. Ignorance of a penalty attached to the violation of a law somewhat diminishes the responsibility of the offence (2202, 2229).

260. Illegitimates. Children born less than six months after the date of marriage or more than ten months after the dissolution of conjugal life are illegitimates before the law (1115, 2). Unless otherwise specified children legitimized by a subsequent marriage are, as far as canonical effects are concerned, held equal to legitimate children (1117). Unless there is proof to the contrary the husband of a woman is considered the father of her child (1115, 1).

261. Illness. Unless intentionally concealed before profession ill health is no reason for dismissing a pro-

fessed religious (647, 2). All who have been sick for a month may receive Holy Communion twice a week after taking medicine or liquid food (858, 2).

262. Images, Sacred. Sacred images that do not harmonize with the sense and decrees of the Church are forbidden (1399, 12). The permission of the Ordinary is required to make sacred images (1385, 2). A relative veneration is due them (1255, 2). New and unusual ones are not to be erected in sacred and exempt places without the permission of the Ordinary (1279, 1). Their blessing is reserved to the Ordinary (1297, 4).

263. Impediments, Matrimonial. An *impedient* impediment makes a marriage illicit, a *diriment* impediment makes it invalid (1036). Both may be *public* or *occult* (1037). The Church has a right to declare when the divine law renders a marriage illicit or invalid, and to establish other impedient and diriment impediments to the marriage of her children (1038).

Some impediments are of a *minor*, others of a *major* degree. The impediments of a minor degree are: (1) consanguinity in the third degree of the collateral line, (2) affinity in the second degree of the collateral line, (3) public honesty in the second degree, (4) spiritual relationship, (5) crime, arising from adultery

with promise of or attempted marriage. All other impediments are of a major degree (1042).

264. Impediments, Impedient. The impedient impediments are: mixed marriage (1060), vow (1058), apostacy (1065), membership in a forbidden society (1065), impenitence (1066), and legal adoption when recognized by civil law of locality (1059).

265. Impediments, Diriment. The diriment impediments are: age, fourteen for woman, sixteen for man (1067), impotence (1068), previous valid marriage (1069), Holy Orders (1072), solemn religious profession (1073), disparity of worship (1070), violence (1074), crime (1075), consanguinity (1076), affinity (1077), public honesty (1078), spiritual relationship (1079), legal adoption, where recognized by civil law of locality (1080). (See *Dispensations*.)

266. Impediments to Religion. Invalidating impediments for entering novitiate are: (1) converts from non-Catholic sects, (2) defective age, (3) violence, fear or deceit, (4) marriage, (5) profession in another religious body, (6) crime, (7) episcopate, (8) oath to serve diocese or missions in priest (542, 1).

Impeding impediments to the novitiate are: (1) for a priest, lack of Ordinary's permission, (2) debts, (3) business entanglements, (4) care of parents, (5)

irregularity, for candidates to the priesthood, (6) membership of Oriental Rite (542, 2).

267. Impenitence. If there is a reasonable doubt about the impenitence of an obstinate sinner he may be anointed conditionally (942).

268. Impotence. Impotence invalidates marriage (1068, 1). Impotence or non-consummation requires a bodily inspection of the married parties by experts (1976).

269. Imputability. The imputability of an offence arises from the evil intention of the delinquent, from guilt in his ignorance of the law violated, and from the omission of proper diligence in his transgression (2199). An accident that could neither be foreseen nor provided against excuses from all responsibility (2203, 2). Not only the circumstances which excuse from all imputability but also those which excuse from grave imputability, likewise excuse from all penalty (2218, 2).

270. Inadvertence. Inadvertence frees from all responsibility for an offence (2203, 2). Excuses from all penalty (2218, 2).

271. Incardination. A cleric is incardinated into his diocese by the reception of tonsure (111, 2). To be

validly incardinated into another diocese he must first obtain excardination from his own Bishop (112). It is considered an excardination and an incardination if a cleric's Ordinary gives him permission in writing to leave the diocese or to accept a benefice that requires residence in another diocese and he obtains it from another Ordinary (114). The Ordinary should not incardinate a cleric from another diocese unless he is in need, has evidence of the qualifications of the cleric, and the cleric solemnly affirms his willingness to be incardinated according to the sacred canons (117). A secularized religious may be received by an Ordinary absolutely, or for three years on trial. This trial may be extended for another triennium. Unless dismissed in the meantime he is incardinated by the expiration of the time (641, 2).

272. Indulgences. Indulgences are granted to the living in the form of absolution from temporal punishments due to sins whose guilt has been remitted, and applied to the faithful departed in the form of suffrage (911). The Pope and those who have received from him participation in the power by law have ordinary power to grant indulgences (912). (See *Cardinal, Bishop, Religious, Altar.*) Unless persons have Papal authorization new indulgences must be shown to the Ordinary before they are published (919). Plenary indulgences to be gained on the feasts of Our Lord and of the Blessed Virgin may

be gained only on feasts that are found in the universal calendar of the Church (921, 1). When the visiting of a church is required to gain the indulgence attached to a certain day the visit may be made from noon of the preceding day until midnight of the feast day (923). Indulgences attached to beads and other articles cease only when the beads or other articles are entirely destroyed, or are sold (924).

To be capable of gaining an indulgence a person must be baptized, free from excommunication, in the state of grace, and a subject of the authority granting it. For a subject capable of gaining an indulgence, to gain it in reality he must have at least the general intention of gaining it and of performing the good works at the time and in the manner prescribed (925). A plenary indulgence is understood to be granted in such a way that a person may gain it in part according to his disposition, if he cannot gain it entirely (926). No one gaining indulgences can apply them to the living, but, unless otherwise specified, all indulgences granted by the Holy See are applicable to the souls in purgatory (930).

273. Infants. Until they have completed their seventh year children are classed as infants (88, 3). Those who have been insane from infancy are classed as infants (745, 2, 1). Where it can be conveniently arranged the bodies of infants should be buried in a plot specially set apart for them (1209, 3).

- 274. Infidels.** A church is desecrated if an infidel is buried in it (1172, 1, 4), likewise a cemetery (1207). Infidels are not allowed to receive ecclesiastical burial (1239, 1).
- 275. Infirm.** It is the right and duty of the pastor to carry Holy Communion publicly to the sick within the parish even to non-parishioners (848). Other priests may bring Holy Communion privately to the sick (849, 1). It is the right of the pastor to give Viaticum to the sick (850). The sick who have been ill for a month may receive Holy Communion twice a week though they have taken medicine or some liquid food (858). In danger of death from any cause the faithful are bound to receive Holy Communion (863, 1).
- 276. Injury to Clerics.** The faithful become guilty of sacrilege if they do personal injury to clerics (119) and are excommunicated (2343).
- 277. Insane.** Those who have been insane from their infancy, no matter what their age may be, are classed as infants (745, 2, 1).
- 278. Insignia.** The insignia of Bishops are defined in the liturgical books (348, 1, 2). An Abbot *Nullius* likewise uses pontifical insignia in his own territory with throne and canopy; but his pectoral cross, ring with stone, and violet skull cap he may wear out of his

territory (325). Confraternities must have the permission of the Ordinary to wear insignia (713, 2).

279. Institutions, Ecclesiastical. Hospitals, orphanages and other similar institutions, destined for religious or charitable work may be erected by the Ordinary, and by his decree are constituted legal persons (1489, 1). For the erection and opening of schools, hospitals and other similar institutions, separate from the religious house, exempt or non-exempt, the written permission of the Ordinary is necessary and suffices (497, 3). They are held equal to minors (100, 3). They should not be approved by the Ordinary unless they are useful and sufficiently endowed (1489, 2). They are subject to visitation (1491), must render an account to the Ordinary (1492, 1); they may be taxed for the support of the seminary (1356, 1).

280. Interdict. An interdict is a censure by which the faithful, though remaining in communion with the Church, are forbidden most of her blessings. If it is personal it forbids the use of certain sacraments and sacramentals to a person. If it is local it forbids the administration and reception of certain sacraments and sacramentals in that place (2268). A special interdict is called the interdict from entering the church. It prohibits the celebration of divine services in Church, the assistance at them, and burial from the Church (2277).

281. Interpretation. Authoritative interpretation of the law is made by the law-giver. It has the force of law when given in the form of law (17). If the proper meaning of a law is obscure it may be interpreted by a parallel citation of the Code, or by the purposes, circumstances and intention of the law-maker (18). Penal laws are to be interpreted strictly (19), privileges liberally (66).

282. Interpreter. If the penitent cannot otherwise confess he may make use of an interpreter if he wishes (903). The interpreter is bound by the seal (889). Matrimony may be contracted through an interpreter (1090). A witness may testify in court through an interpreter (1641).

283. Interruption of Novitiate. The novitiate is ended when a novice is dismissed by the superior, or when the novice leaves freely with the intention of not returning. It is interrupted if a novice, for any cause, is away consecutively or at intervals for thirty days during the time of the novitiate (556, 1). If a novice, through obedience or force, remains away from the convent more than fifteen, but not more than thirty, days it is necessary and sufficient for a valid novitiate to make up these days. If no more than fifteen days were lost the superior may order them to be made up but this is not required for the validity of the novitiate (556, 2). Except for a just and grave reason

the superior shall not permit a novice to remain out of the convent over night (566, 3). If the novice is transferred by the superior to another house, the novitiate is not interrupted by the transfer (556, 4).

284. Intervals. In the ordinations the intervals of time between orders are to be observed, during which the clerics may exercise the orders received (821, 1).

285. Irregularities. Some irregularities are from defect, others from fault (983). The following persons are irregular from defect: illegitimates, bodily defectives, epileptics, bigamists, infamous by law, a judge who has pronounced death sentence, and the executor of a death sentence (984). The following are irregular from faults: apostates, heretics, schismatics, those baptized by non-Catholics, married men, clerics in major orders, professed religious men who attempt marriage, voluntary murderers, men who mutilated themselves or others, and those who attempted suicide, clerics practising medicine or surgery if thereby the death of a person is caused, and, finally, men who usurp the exercise of an act of orders reserved to clerics in major orders, and clerics in major orders who exercise such an act as long as they are forbidden by canonical penalty (985). Ignorance of the irregularity and of the impediment arising from it is no excuse (988). Irregularity may be multiplied by various causes but not by repetition (989). As a rule

the Ordinary can absolve from irregularities. The confessor can do the same in most cases that suffer no delay (900, 901).

286. Judge. No one can be judge in his own case because no one can exercise jurisdiction to his private advantage (201, 2).

287. Jurisdiction. By divine institution the Church has jurisdiction both in the internal and the external forum (196). This implies the power not only of making laws and attaching penalties but also of applying penalties legally prescribed (2220, 1). Jurisdiction may be ordinary or delegated (197, 1). The Pope, residential Bishops and Abbots *Nullius*, and their vicar generals, administrators, Vicars and Prefects Apostolic (198, 1). All who have ordinary jurisdiction may delegate it to others (199). Ordinary jurisdiction is to be interpreted liberally (200, 1). It can be exercised directly only over one's own subjects (201, 1). Jurisdiction in the external forum also holds for the internal (202, 1). The Church supplies jurisdiction for both forums (1) in common error, and (2) in a positive and probable doubt of fact as well as of law (209).

288. Jurisdiction for Confessions. Besides the power of orders jurisdiction is necessary to give absolution (872). The Pope and the Cardinals have this jurisdiction for the whole Church, the Ordinaries in their

dioceses, and the pastors, and those who take their place, in the parish (873). Delegated jurisdiction is given to priests by the Ordinary (874). This delegation must be expressed in words or given in writing (879). It may be limited (878, 1). To hear the confession of religious women and novices validly and licitly in their homes special delegation by the Ordinary is required (876). When once granted it should not be recalled excepting for grave reason (880). All priests have faculties to absolve persons in danger of death (882). Every priest approved by his Ordinary, or by the Ordinary of the place of embarkation, or of any Ordinary along the voyage, is approved to hear confessions on the boat, while making a voyage, or at any port his boat enters (883). A priest who would dare to hear confessions without jurisdiction would thereby incur suspension, and one who with jurisdiction would dare to absolve from reserved sins would thereby be suspended from hearing confessions (2366). (See *Confession*.)

289. Key. The key to the tabernacle, in which the Blessed Sacrament is kept, must be carefully guarded (1269, 4). The keys of the secret archives of the diocese must be kept by the Bishop and by the vicar general, or the chancellor (379, 2).

290. Laity. The Sacrament of Orders distinguishes the clergy from the laity (948). With the exception of

seminarians and those who are actually taking part in the ministry of the church no layman may wear the ecclesiastical garb (683). Laymen are not allowed to preach in the church (1342, 2). According to the rules of ecclesiastical discipline the laity has the right to receive from the clergy the spiritual benefits and especially the assistance necessary for salvation (682). The faithful are to be praised for joining associations erected, or at least recommended by the Church. They should beware of associations that are secret, condemned, seditious, suspected, or those which strive to withdraw them from the legitimate supervision of the Church (684). The faithful owe the clergy reverence according to their various rank and offices, and become guilty of sacrilege if they do them personal injury (119). Without the express permission of the Ordinary no one of the faithful can have a special place in the church reserved for himself and his family (1263, 2).

291. Lamp, Sanctuary. At least one lamp should burn night and day before the tabernacle in which the Blessed Sacrament is kept. It should be fed with olive oil or bees' wax. Where olive oil is not easily obtainable the Bishop may allow the use of other oils, which should as far as possible be vegetable oils (1271).

292. Language. Without special permission from the Holy See parishes are not to be established that are

divided by the difference of language or nationality of the people in the same town or city (216, 4).

293. Latin Rite. The laws of the Code are obligatory only for Catholics of the Latin Rite (1).

294. Law. Laws are instituted when they are promulgated (8). Laws enacted by the Holy See are promulgated by publication in the *Acta Apostolicae Sedis* (9). Laws apply to the future (10). Merely ecclesiastical laws do not bind persons who are not baptized or who are not yet seven years old (12). General laws bind throughout the world (13). As a rule strangers are not bound by the particular laws of their home place, nor of the place in which they tarry. A vagrant is bound both by the general and by the particular laws of the place in which he happens to be (14, 1, 2). In doubt about the promulgation of the law it does not bind. In doubt about its application the Ordinary can dispense (15). No ignorance of invalidating or inhabilitating laws excuses (16). Laws are authoritatively interpreted by the lawgiver and those to whom this power has been delegated (17). Ecclesiastical laws must be interpreted according to the proper meaning of the terms of the law considered in their context (18). Penal and restrictive laws, and those establishing an exception must be interpreted in a strict sense (19). Laws safeguarding against common dangers bind even though there be no danger in a particular

case (21). As a rule a more recent law abolishes a former law (22). The abolition of a former law by a recent law must be certain before it ceases to bind (23). Precepts given to individuals accompany them; they die with the authority of those who gave them (24).

295. Legal Persons. Legal persons are bodies of men instituted by the authority of the Church (99). The Catholic Church and the Holy See have the nature of a legal person by divine ordinance. Other legal bodies get their personality either by law or by the concession of competent ecclesiastical authority. At least three physical persons are required to constitute a collegiate legal body. Both collegiate and non-collegiate legal persons or moral bodies are held equal to minors (100). Unless otherwise prescribed the majority rules in legal persons. Matters that touch all individually must be approved by all (101). A legal person is perpetual (101).

296. Legate, Papal. (See *Delegate, Papal.*)

297. Legitimacy. Children conceived or born of valid or presumed valid wedlock are considered legitimate (114). Children are presumed legitimate if they are born six months after the celebration of marriage, or ten months after the dissolution of conjugal life (1115, 2). The lawful husband of the mother is the

father of the child, unless the contrary is evidently proved (1115, 1).

298 Legitimation. By a subsequent or a validated marriage an illegitimate child is legitimized provided the parents were free to marry at the time of conception (1116). Legitimized children have the same rights before the law as legitimate children unless specified otherwise (1117).

299. Lent. The Ordinary should see to it that sermons be more frequently preached during Lent (1346). In these sermons what the faithful must believe and do to be saved should be especially preached (1347). The faithful should be urged to hear these sermons (1348). The law of fasting and abstinence must be observed during Lent (1252). (See *Fasting, Abstinence.*)

It is not allowed to solemnize marriage during Lent (1108, 2).

300. Letters. Letters of religious are exempt from the inspection of the superiors when addressed to the Pope, to the Papal Legate of the country, to the Cardinal Protector of the Order, to their own major superiors, to their local superiors when absent, to the local Bishop, if they are subject to him, and the nuns who are under the jurisdiction of regulars, also to the major superiors of the Order. The same religious may likewise receive letters from the aforesaid superiors which no one is allowed to open or inspect (611).

- 301. Litanies.** The Ordinary cannot approve new litanies for public use (1259).
- 302. Liturgy.** The Holy See alone has the right to enact the form of sacred liturgy and to approve liturgical books (1257).
- 303. Liturgical Language.** Holy Mass is to be celebrated in the liturgical language proper to each one's Rite, as approved by the Church (819).
- 304. Loan.** In the loan of goods to be consumed by the borrower when return is to be made in the same kind, no interest can be charged. In the loan of goods which deteriorate by use a reasonable interest may be asked (1543).
- 305. Loss.** Domicile and quasi-domicile are lost by the act of leaving the place with the intention not to return there (95). Catholics lose their good name (1) by joining a non-Catholic sect (2314, 3), (2) by desecration of consecrated hosts (2320), (3) by committing crimes on the bodies or the graves of the dead (2338), (4) by doing violence to the person of the Pope, of a Cardinal, or of a Legate (2343, 1); (5) by taking part in a duel (2351, 2), (6) by entering a civil marriage while the lawful partner is alive (2356), (7) lay persons by being lawfully condemned for crimes of impurity with minors under sixteen years of age,

of attack on women, of sodomy, of bawdry, or of incest (2357).

306. Mandate. The delegate who acts beyond his mandate in regard to matters or persons acts invalidly. Unless prescribed as a condition of his delegation the manner of action is left to the judgment of the delegate (203).

307. Manifestation of Conscience. Religious superiors are strictly forbidden in any way to force their subjects to make a manifestation of conscience to them. On the other hand subjects are not forbidden freely and of their own choice to open their hearts to their superiors. In fact, it is proper for them to approach their superiors with confidence, and if they are priests, to place their doubts and anxieties before them (530).

308. Marriage. Christ raised the contract of marriage between baptized persons to the dignity of a Sacrament, so that there can be no valid marriage between Catholics without it being a Sacrament (1012). The primary object of marriage is the generation and education of children, the secondary object is mutual assistance and a remedy for concupiscence. The essential qualities of marriage are unity and indissolubility. They receive a peculiar firmness in Christian marriage by reason of the Sacrament (1013). En-

joying the favor of law, a marriage is presumed valid until it is proved otherwise (1014) with the exception of the case where the Pauline privilege is applied (1127). The valid marriage of baptized persons is called *ratum* before conjugal intercourse, and *ratum et consummatum* after it has taken place. Cohabitation, after the marriage ceremony has taken place, establishes a presumption that the marriage has been consummated. A marriage validly contracted between non-baptized persons is called legitimate. An invalid marriage, contracted in good faith by at least one of the parties, is called a *putative* marriage until both parties become certain of its invalidity (1015). The marriage of baptized persons is subject to both the divine and canon law, and in its civil effects also to the civil law (1016). The promise of marriage is invalid in either forum unless it is made in writing and signed by the parties and either the pastor or the local Ordinary, or at least two witnesses (1017, 1).

309. Marriage Consent. (See *Consent, Matrimonial*.)

310. Marriage Contract. (See *Form of Marriage*.)

311. Marriage, Effects of. From a valid marriage a bond arises between the married couple which is perpetual and exclusive in its very nature; Christian marriage, besides, gives the grace of the Sacrament to the parties who place no obstacle in its way (1110). From the moment marriage has been contracted both

of the pair have equal rights and duties concerning the action proper to conjugal life (1111). Unless there is an exception made by special law the wife shares the same state as her husband as far as canonical effects are concerned (1112). (See *Education, Legitimate, Illegitimate, Legitimation.*)

312. Marriage, Mixed. The Church everywhere prohibits most severely the marriage of two baptized persons, one of whom is a Catholic and the other a member of a heretical or schismatic sect. If there is danger of perversion for the Catholic party and the children such a union is also forbidden by the divine law (1060). The Church does not dispense from the impediment of mixed religion unless: (1) there are just and serious reasons; (2) the non-Catholic party promises to remove all danger of perversion of the Catholic party, and both parties promise that all their children shall be baptized and brought up as Catholics; (3) there is moral certainty that these promises will be kept. As a rule these promises are to be made in writing (1061). The Catholic party has the obligation to work prudently for the conversion of the non-Catholic (1062). Even when a dispensation has been obtained from the impediment of mixed religion the parties can not be allowed to go to a non-Catholic minister, whether before or after the Catholic service, whether personally or by proxy, to give or renew their consent. If the pastor knows the

parties will certainly violate, or have already violated this law, he shall not assist at their marriage, except for very serious reasons, and then only after the scandal has been removed and the Ordinary has been consulted (1063). Bishops and other pastors of souls: (1) shall deter the faithful as much as they can from mixed marriages; (2) if they cannot prevent them they shall by all means see to it that such marriages are not contracted against the laws of God and the Church; (3) watch that those who contracted mixed marriage in their own place, or come from other places, live up to their promises; (4) when assisting at a mixed marriage they shall ask the questions about the consent in the usual way but omit the use of any sacred rites. If from this greater evils are foreseen to follow, the Bishop may allow some of the usual Catholic ceremonies but not the celebration of Mass to take place (1064, 1102).

313. Marriage of Conscience. A marriage of conscience is contracted secretly without the publication of the banns. The Bishop personally may allow it for very grave reasons (1104). This permission imposes the obligation of secrecy on the contracting parties, the witnesses, the officiating priest and the Ordinary until both of the couple consent to the publication. The record of a marriage of conscience is to be kept only in the secret archives of the episcopal Curia (1107).

314. Marriage, Preparation for. Before the marriage ceremony takes place, it must be certain there is no obstacle to its valid and licit celebration. In danger of death, when no other proofs can be had, the sworn statement of the parties, that they are baptized and free to marry, suffices (1019). It is the duty of the pastor to investigate sufficiently in advance whether there is an obstacle to the union. The Ordinary of the place should prescribe special regulations for this examination (1020). The pastor must demand the baptismal certificate of Catholics not baptized in his parish and the necessary dispensation, when there is question of a marriage with a non-Catholic (1021). He should publicly announce the parties to be married (1022). If one of the parties has lived elsewhere since arriving at the age of puberty the pastor should refer the matter to the Bishop, who may order the banns to be published in that place or order investigation to be made about the free state of the party. If there is suspicion of an impediment existing the pastor should refer the matter to the Bishop, who will not permit the marriage to take place until the suspicion is removed (1023).

The publication of the banns is to be made in the church on three successive Sundays or Holy-days of obligation at services that are largely attended (1024). As a substitute the Ordinary may permit the names of the parties to be posted at the church door and to be left there for eight days, including two Sundays

or Holy-days of obligation (1025). The publication of the banns is omitted when a Catholic marries a non-Catholic with the necessary dispensation (1026). The faithful are bound in conscience to reveal any impediment they may know to exist to the union of the parties that are announced (1027). For lawful reasons the Ordinary may dispense from the publication of the banns for any marriage to be contracted in his diocese as well as for his subjects to marry in another diocese (1028). If the pastor does not personally assist at the marriage he must give the priest who assists at it documentary evidence that he has made the investigation and published the banns (1029). After the investigation and proclamations have been made the pastor should not assist at the ceremony until he has received all necessary papers and three days have elapsed since the last proclamation of the banns. If a marriage is delayed six months after the proclamation of the banns they should be announced again (1030).

When a doubt has arisen regarding the existence of an impediment that is public the pastor shall require the sworn statement of two trustworthy witnesses and of the parties themselves if necessary to clear up the doubt. When an impediment has been found to exist: (1) if it is secret the pastor will refer the matter to the Bishop or to the Sacred Penitentiary without giving the names of the parties; (2) if it is a public impediment he will apply to the Bishop for

the necessary dispensation, and not announce the banns until it is obtained. If the parties are free to marry the pastor will proceed with the ceremony after the publication of the banns (1031). Excepting in a case of necessity the pastor will obtain the permission of the Ordinary to assist at the marriage of vagrants (1032). The pastor will teach the parties to be married the sanctity of marriage and the obligations of married persons and of parents (1033). He will prevent marriages between Catholics and non-Catholics as far as possible (1064, 1071), and refuse to marry parties against the lawful objection of their parents, without the consent of the Ordinary (1034). Catholics who contract marriage before a non-Catholic minister are excommunicated (2319, 1, 1). (See *Impediments, Affinity, Consanguinity, Dispensations, etc.*)

315. Marriage, Second. Though chaste widowhood is more honorable, second and further marriages are valid and licit when there is legal proof of the invalidity or the dissolution of the first marriage (1069, 2; 1142). A woman who has received the nuptial blessing once, can not receive it again in a subsequent marriage (1143).

316. Marriage, Time and Place of. Marriage may be contracted any time of the year. Only the solemn nuptial blessing is forbidden from the first Sunday in Advent to Christmas inclusively, and from Ash

Wednesday to Easter Sunday inclusively. For a grave reason the Bishop may permit it even during these seasons (1108). The marriage between Catholics shall be contracted in the parish church. Without the permission of the Bishop or the pastor it cannot take place elsewhere. Only in some extraordinary case, and for good reasons may the Bishop permit it to take place in a private house. He should not permit it to take place in a seminary or convent chapel without urgent necessity and with due precautions. Marriage between a Catholic and a non-Catholic shall be contracted outside the church; but if the Ordinary thinks this cannot be done without causing greater evils, it is left to his judgment to permit it to take place in the church, but never with nuptial Mass (1109, 1102).

317. Marriage Validated by a *Sanatio in Radice*. The *sanatio in radice* of marriage is its validation, which imparts, besides a dispensation from, or a cessation of an impediment, a dispensation from the law of renewing the consent, and a retroaction by fiction of law in reference to the canonical effects in the past state while the union was invalid. The validation takes place at the moment of granting this favor. The retroaction, however, is to be understood to reach back to the beginning of the marriage, unless it is expressly stated otherwise in the rescript. The dispensation from renewing the consent can also be given

unknown either to one or to both parties (1138).

Any marriage contracted with a consent of both parties that would naturally suffice, but which is juridically ineffective on account of a diriment impediment of ecclesiastical law, or on account of a defect in the prescribed form, can be validated by the *sanatio in radice*, provided the consent perseveres. But the Church does not validate a marriage contracted with an impediment of the natural or the divine law with a *sanatio in radice*, even though the impediment ceases afterwards, not even from the moment of the cessation of the impediment (1139).

If either in both or in one party the consent has ceased the marriage cannot be validated by a *sanatio in radice*. This holds not only when there was no consent from the beginning, but also when it was first given and then revoked. But if consent was wanting in the beginning and was given later on the *sanatio in radice* can be applied from the moment that consent was given (1140). The *sanatio in radice* can be granted only by the Holy See (1141).

318. Marriage, Validation of. To validate a marriage invalidated by a diriment impediment it is necessary either that the impediment cease or is dispensed, and that at least the party conscious of the impediment renew the consent. This renewal of consent is required by ecclesiastical law for the validity of the marriage, although both parties gave their consent and

did not revoke it afterwards (1133). This renewal of consent must be a new act of the will for the marriage that is known to have been invalid from the beginning (1134). If the impediment is public, the consent must be renewed by both parties in the form prescribed by law. If it is occult and known to both parties, it suffices that the consent be renewed privately and secretly by both parties. If it is occult and known only to one party, it suffices that the party who knew of the impediment, privately and secretly renews the consent, provided the other party has not retracted the consent (1135).

Marriage which is invalid on account of want of consent is validated if the party who did not consent does now give the consent, provided the consent of the other party perseveres. If the defect of consent was merely internal, it is sufficient that the party who did not consent now gives consent by an internal act. If the want of consent was also manifested externally, it is necessary to renew consent externally, either in the form prescribed by law, in case the want of consent was public, or in some private and secret, but outward manner, if the want of consent was occult (1136). Marriage, which is null and void on account of want of the prescribed form, must be validated by contracting it according to the prescribed form (1137).

319. Marriage with Non-Baptized. A marriage contracted between a person not baptized and a per-

son baptized in the Catholic Church, or converted from heresy or schism, is invalid. If a party was commonly held to be baptized when the marriage was contracted, or if the baptism was doubtful, the validity of such a marriage must be upheld until it is proved with certainty that one party was baptized and the other was not (1070). All that has been said above on mixed marriages must likewise be applied to marriages where there is the impediment of disparity of worship (1071).

320. Mary. All the faithful should honor the Blessed Virgin Mary with filial affection (1276).

321. Masons. Catholics who join the Masons incur excommunication reserved to the Holy See (2335).

322. Mass, Celebration of. Only priests can celebrate Mass (802). They must celebrate Mass several times in the year (805). Without special permission they can say Mass only once a day with the exception of Christmas and the feast of All Souls (806, 1). They must be free from mortal sin (807) and fasting from midnight to celebrate worthily (808). They should have a server (813, 1) who is not a woman (813, 2). They should wear the proper vestments without skull-cap or ring (811) and without assistant priest (812). They must use unleavened bread and natural wine, with a few drops of water (814, 815). They must

use the liturgical language of their rite, follow the rubrics closely without adding prayers or ceremonies (818). They should celebrate on a consecrated altar and in a church or oratory (822, 1). They should not begin earlier than an hour before twilight, nor later than an hour after noon (821). They cannot celebrate in a desecrated church. They must cease instantly if the church is violated during Mass before the beginning of the Canon, otherwise after the Communion (1173). A strange priest in good standing who is known or has his *celebret* may say Mass in any church (804).

323. Mass, Hearing of. The faithful are bound to hear Mass on all Sundays and Holy-Days of obligation (1248). They fulfill the obligation by hearing Mass according to any Catholic rite in any place but a private oratory (1249). Seminarians should assist daily at Mass (1367, 1). Religious superiors should make provision for their subjects to hear Mass daily (595, 1, 2).

324. Mass pro Populo. The Bishop must say Mass for the people on all Sundays and holy-days, even on the holy-days that have been suppressed (339, 1). A pastor must say Mass for his people the same as the Bishop; a quasi-pastor, a Vicar and a Prefect Apostolic must say Mass for the people at least on Christmas, Epiphany, Easter, Ascension, Pentecost, Corpus

Christi, Immaculate Conception, Assumption, St. Joseph, SS. Peter and Paul, and All Saints (306). Assistants are not bound to say Mass for the people (475, 2; 476, 6).

325. Master of Novices. The novice-master is placed in charge of the novitiate. He must be at least thirty-five years old, at least ten years professed, and known for his prudence, charity, piety and regular observance. In clerical religious communities he must be a priest. If circumstances require it he may have a sub-master, who shall be under his authority in the management of the novitiate. The sub-master must be at least thirty years old and five years professed, and possess other necessary and useful qualifications. Both must be free from all offices and responsibilities that would interfere with the care and government of the novices (559). The master and sub-master of novices shall be elected according to the constitutions, and, if these fix the term of office, the master and sub-master should not be removed from office during their term, except for a grave and just cause. They may be reelected (560).

The novice-master has the right and duty to provide for the novices of the institute and to govern the novitiate. All others are forbidden to interfere, excepting superiors with authority from the constitutions and the Visitor. Both master and novices, however, are subject to the local superior in the general

discipline of the house. The novice is subject to the master and to the superiors of the Order and must obey them (561). The novice-master has the serious responsibility of instructing the novices zealously in the practices of the religious life according to the constitutions and the rules of Canon 565 (562). During the year of the novitiate the master of novices reports the conduct of the individual novices to the Chapter or to the major superior, as the constitutions direct (563).

As far as possible the novitiate must be separated from that part of the house occupied by the professed members, and, without a special reason and the permission of the superior or the novice-master, they shall have no communication with the professed, nor they with the novices. Lay-novices shall have a special place assigned to them (564). The special object of the year's novitiate should be, under the direction of the master of novices, to form the minds of the novices, by the study of the rule and constitutions, by meditation and assiduous prayer, to learn what pertains to the vows and what to the virtues of the religious life, and how to extirpate the very seed of vice, how to curb the wandering of the mind, and how to acquire virtue by suitable practice. Lay-novices should, besides, be thoroughly instructed in Christian doctrine. For this reason at least one special instruction should be given them every week (565). The master of novices and the sub-master shall

not hear the confessions of their novices, dwelling with them in the same house, excepting in particular cases where the novices for grave and urgent reasons request it (891).

326. Master, Spiritual. During the entire course of studies the religious shall be under the special care of a prefect or spiritual master, who shall lead them on in the religious life by timely admonitions and exhortations. This prefect or spiritual master should have the same qualifications as Canon 559 prescribes for the master of novices (588, 1-2).

327. Medicine. Without an Apostolic indult clerics shall not practise medicine or surgery (139, 2).

328. Meditation. The clergy should make a meditation each day (125, 2). Religious should meditate daily (595, 1, 1). Novices should be taught to meditate (565). Seminarians should meditate every day (1367, 1).

329. Metropolitan. (See *Archbishop*.)

330. Midwives. Midwives should know how to baptize correctly (74^o). They are excused from testifying in court on professional matters (1755, 2, 1).

331. Military Service. Clerics shall not volunteer for military service unless they do so with the permission

of their Ordinary in countries where they are forced to serve, in order the sooner to put in their period of service. Clerics must not take part in internal revolts and disturbances or help them in any way. Clerics forfeit their clerical standing who volunteer for military service in violation of this law (141).

332. Minister. Catholics who marry before a non-Catholic minister are excommunicated (2319, 1, 1).

333. Missions. Catholic missions for the spread of the faith in heathen lands are in charge of the Congregation of the Propagation of the Faith (252). The Ordinaries should insist on the pastors having a mission given to their parishioners at least once in ten years. All pastors, including those of Religious Orders, are held to obey the Ordinary's regulations concerning these missions (1349). Local Ordinaries and pastors should interest themselves in the welfare of the souls of non-Catholics in their dioceses and parishes. In other territories the entire care for the missions among non-Catholics is exclusively reserved to the Holy See (1350).

334. Mixed Religion. (See *Marriage, Mixed.*)

335. Modernism. The rules and regulations enacted by Pius X concerning the oath against Modernism shall remain in force until the Holy See shall ordain otherwise. (*Acta Apost. Sedis*, Vol. X, page 136.)

336. Monition. A monition is a penal remedy (2306, 1). After having made an investigation the Ordinary shall admonish a person who stays in the proximate occasion of committing an offence, or against whom there is a grave suspicion of having committed an offence. The monition may be made by the Ordinary in person or by any person delegated by him (2307).

337. Monk. A religious man with solemn vows is a monk (488, 2).

338. Month. In law a month means a period of thirty days (32).

339. Moral Persons. (See Legal Persons.)

340. Morals. Doctrines on morals are guarded by the Congregation of the Holy Office (247).

341. Mortgage. No ecclesiastical property can be mortgaged without permission of the legitimate superior (1538).

342. Motu Proprio. A rescript prefaced with *Motu Proprio* is valid even if the petition concealed some of the truth which should have been expressed (45).

343. Music. The liturgical laws concerning sacred music in church shall be observed (1264, 1).

- 344. Mutes.** Mutes can gain the indulgences attached to the recitation of public prayers by assisting with the faithful at the services and raising their minds and hearts to God. It is sufficient for them to say their private prayers mentally, by signs, or by perusing them with their eyes (936).
- 345. Name.** A Christian name should be given in baptism. If the parents neglect this duty, the pastor should supply a name and enter both on the records (761).
- 346. Negligence.** Negligence of the Bishop in making the visitation of the diocese is to be reported to the Holy See by the Archbishop (274, 5). Negligence of a pastor is to be corrected by the Bishop. He shall admonish, correct, punish, and finally remove him (2182-2185). Clerics in major orders who gravely neglect the rites and ceremonies of the Church shall be admonished and suspended according to the gravity of their guilt (2378). He who cooperates in a crime merely by neglecting his duty is held responsible to a degree proportionate to his obligation of preventing the crime (2209, 6).
- 347. Non-Catholics.** Pastors should interest themselves in the souls of non-Catholics in their parishes (1350, 1). Non-Catholics cannot be accepted as postulants (542, 1), nor admitted into pious confraternities (693, 1),

nor ordained priests (987, 1). The blessings of the Church may be given them to obtain for them health and the gift of faith (1149). The exorcisms may likewise be read over them (1152). (See *Marriage, Dispensations.*)

348. Notary. The chancellor is a notary by his very office (372). The Bishop may also appoint other notaries whose signature will be recognized by the courts of the Church. He may appoint a notary for all acts or for specified acts or occasions. He may also appoint laymen as notaries, if clerics are not available, but in criminal cases of the clergy the notary must be a priest (373). The office of a notary is: (1) to write the acts and transactions in judicial proceedings, (2) faithfully to consign to writing the proceedings, adding place, day, month, and year, and his signature, (3) to show to those who have a right to see them the acts and documents on file and to attest that copies agree with the original. The notary cannot write acts outside his diocese nor for affairs foreign to his appointment (374).

349. Novitiate. (See *Master of Novices.*) As far as possible the novitiate must be separated from that part of the house where the professed live, and without special reason and the permission of the superior or the master of novices these shall have no communication with the professed religious, nor those with the

novices (564). (See *Impediments to Religion*.) The right to admit candidates to the novitiate and to subsequent profession, both temporary and perpetual, belongs to the major superiors with the vote of the council of the community, according to the regulations of the particular constitutions of each Order or Congregation (543).

350. Novitiate Begins. The novitiate begins with the reception of the habit, or in such other way as prescribed by the constitutions (553).

351. Novitiate, Compensation for. No compensation can be demanded from a postulant or a novice for expenses incurred unless the constitutions so provide, or it is expressly agreed that the postulant or novice on entering should pay something for food and clothing (570, 1). Whatever the applicant brought along and has not worn out shall be returned to him, if, instead of making his profession, he leaves the convent (570, 2).

352. Novitiate, Confessor of. (See *Confessor of Religious*.)

353. Novitiate, Disposal of Property During. If a novice renounces or disposes of his benefices or property in any way during the novitiate this renunciation or disposition is not only illicit but invalid by law

(568). Before taking simple vows, whether temporary or perpetual, the novice must cede the administration of his temporal goods, their use and revenues, for the time he is bound by vow, to any person of his choice, unless the constitutions of his Order make other provision (569, 1). If this renunciation or disposition was omitted because the novice had no property at the time but acquired some afterwards, or if he disposed of what he had and acquired more afterwards, he shall dispose of its administration according to the preceding paragraph, notwithstanding his vow (569, 2). Before taking their temporary vows novices in religious Congregations may also dispose by testament of the property they possess or may acquire, to any one they wish (569).

354. Novitiate, Dowry. In monasteries of women with solemn vows the postulant must bring the dowry required by the constitutions or determined by lawful custom (547, 1). This dowry must be given to the monastery before the reception of the habit, or at least made certain in a way recognized by civil law (547, 2). In Congregations of religious women the existing custom concerning the dowry shall be observed (547, 3). If there is question of a community with papal law the prescribed dowry cannot be remitted in whole or in part without an indult from the Holy See. In a diocesan Congregation the Ordi-

nary can grant this permission (547, 4). At the death of the religious the dowry is acquired irrevocably by the monastery or religious Congregation, even though she had taken but temporary vows (548).

After the profession of a religious her dowry is to be placed by the superioress and her council, and with the consent of the Ordinary and regular superior, if the convent is dependent on him, in a safe, lawful and fruitful investment. It is absolutely forbidden to spend the dowry in any way before the death of the sister, even in building a convent or reducing a debt (549). The dowry must be carefully administered at the monastery, at the habitual residence of the Mother General, or at the provincial motherhouse (550, 1). The Ordinary shall diligently watch over the security of religious dowries in his diocese, and demand an account of them especially at the time of the visitation (550, 2). If, for any reason, a sister of solemn or simple vows leaves the Order her dowry must be returned to her entirely without the interest that may already have matured (551, 1). But if a professed sister goes over to another Order by an indult from the Holy See, the new Order has the right to the income from the dowry during the novitiate, and upon profession the dowry itself must be turned over to the new Order. If she is transferred to another monastery of the same Order the dowry belongs to that monastery from the time of her transition (551, 2).

355. Novitiate, End of. The novice is free to leave the convent, and the superiors or the chapter are free to dismiss the novice, for any just cause specified by the constitutions without mentioning the cause of dismissal to the novice (571, 1). At the conclusion of the novitiate the novice is to be admitted to profession if found worthy, otherwise he is to be dismissed. If there still remains some doubt of his fitness the major superiors may extend the time of his probation, but not beyond six months (571, 2).

356. Novitiate, Essentials. Besides freedom from invalidating impediments, the following points are required for a valid novitiate: (1) the candidate must have completed his fifteenth year on entering, (2) he must stay in the novitiate for one continuous and complete year, (3) he must live in the house of the novitiate. If a longer time is prescribed in the constitutions than a year it is not required for the validity of the profession, unless the constitutions expressly state the contrary (555).

357. Novitiate, House of. The house of the novitiate shall be erected according to the constitutions. But in Orders and Congregations approved by Rome the permission of the Holy See is required for the erection of the novitiate (554, 1). As a rule there cannot be several novitiates in the same province, if the organization is divided into provinces. If there should be

grave reasons for having several novitiates a special permission must be obtained of the Holy See (554, 2).

358. Novitiate, Interruption of. (See *Interruption*.)

359. Novitiate, Investiture, Profession. At least two months in advance the superioress must notify the Ordinary that a reception, or a profession of temporary or perpetual, of solemn or of simple vows, is to take place (552, 1). At least thirty days before the reception or profession the Ordinary, or a priest delegated by him, shall examine each of those to be received into the novitiate, or admitted to profession, whether she enters the novitiate, or makes or renews her profession of her own free will (552, 2).

360. Novitiate, Life in. During the entire year of the novitiate the novice shall wear the habit prescribed by the constitutions unless the peculiar circumstances of a place demand otherwise (557). In religious communities where there are two classes of novices, the novitiate made for one class is not valid for another (558).

361. Novitiate, Master of. (See *Master of Novices*.)

362. Novitiate, Privileges of. The novices enjoy all privileges and spiritual favors granted to the Order or Congregation. If they die as novices they have a

right to the suffrages prescribed for professed members. But they shall not be promoted to orders during the novitiate (567).

363. Novitiate, Retreats in. Before they begin the novitiate the postulants shall make a retreat for at least eight complete days (541). Before taking vows the novices shall make a retreat for at least eight full days (571).

364. Novitiate, Testimonials for. In every religious community the aspirants before they are admitted must without exception submit certificates of Baptism and Confirmation (544, 1). In Orders and Congregations of men the applicants must, besides, procure testimonial letters from the Bishop of their birth-place as also from all other Bishops in whose dioceses they have lived for more than one morally continuous year after their completed fourteenth year of age. Any privilege exempting from this obligation is revoked (544, 2).

If there is question of admitting those who have been in a seminary or college, or in the postulate or novitiate of another Order or Congregation, the testimonials of the rector of the seminary or college, after consulting with the Ordinary, or of the major religious superior are required in addition to the testimonials spoken of in the preceding paragraph (544, 3). For the admission of clerics there are re-

quired only the testimonials of ordination and of the bishops in whose dioceses they have lived since ordination for more than one morally continuous year, as also of the rector of the seminary where they studied (544, 4).

A professed religious, who by permission of the Holy See joins another Order, needs only the testimonials of the major superior of the former Order (544, 5). In addition to these testimonials the major superiors, who have the right to receive applicants, may demand of them such other testimonials as seem necessary or useful to their purpose (544, 6). Women should be received only after accurate investigation as to their character and disposition has been made. In case they have attended some boarding school the testimonial of the directress of the school is required (544, 7).

He who has to write the testimonials prescribed by these canons shall issue them within three months from the day they are asked. He shall not give them to the applicant, however, but to the religious superiors and shall append his seal. In case of seminarians, college students, and former postulants or novices in another Order, the superior or rector shall confirm his testimonial by oath (545, 1). If he, of whom testimonials are requested, thinks he cannot answer for serious reasons, he shall explain his conduct to the Holy See within three months (545, 2). If those who are asked for testimonials answer that

the applicant is not sufficiently known to them the religious superior shall try to obtain the information from other reliable sources. If they make no reply the superiors shall inform the Holy See about the failure to receive a reply (545, 3), after they have instituted a diligent investigation even by secret inquiry. The persons thus consulted are gravely bound in conscience to tell the truth in these testimonials about the origin, morals, talents, character, reputation and studies of the candidate, whether he has incurred any censure, irregularity or other canonical impediment, whether his family needs his help, and, finally, if he has been in a novitiate, seminary or college, why he was dismissed, or why he left of his own accord (545, 4). All who receive the above information are strictly bound not to reveal to any one the information they have received and the persons who sent it (546).

365. Nullity of Marriage. (See *Marriage*.)

366. Nullity of Religious Profession. (See *Profession*.)

367. Nun. A religious woman with solemn vows is a nun (488, 7).

368. Nuptial Blessing. The nuptial blessing can be given only in Holy Mass with the observance of spe-

cial rubrics. The pastor should see that the couple receives it. It can be given them also after they have lived in marriage for a long time (1101, 1). It can be bestowed only by a priest who can validly and licitly assist at marriage (1101, 2). It cannot be given during Advent or Lent (1108, 1), without the special permission of the Ordinary (1108, 2). A woman who has once received the nuptial blessing cannot receive it again in subsequent marriages (1143).

369. Oath. An oath is the invocation of the divine name in witness of the truth. It cannot be taken except with truth, judgment, and justice (1316, 1). It cannot be taken by proxy (1316, 2). Whoever freely swears to do something is bound by religion to do it (1317, 1). An oath extorted by grave violence or fear is valid, but may be dispensed from by an ecclesiastical superior (1317, 2). An oath that was freely taken, and includes the renunciation of some private good or right, must be kept unless it would lead to the loss of one's soul (1317, 3). A promissory oath that directly involves harm to others, to the common weal, to the eternal salvation of the person promising, is invalid (1318). Whoever has the power to dispense from vows may also dispense from oaths (1320). An oath must be strictly interpreted according to law and the intention of the person taking it (1321).

370. Obedience of the Clergy. (See *Clerics*.)

371. Ocean. Any duly authorized priest may hear confessions on the ocean (883). The privilege to celebrate everywhere does not include permission to say Mass on the ocean (822). Cardinals and Bishops may say Mass on the ocean (239, 8; 349, 1).

372. Offences. An offence is an external and morally imputable violation of a law or precept to which a canonical penalty is attached (2195). The quality of the offence is measured by the gravity of the law violated, by the malice of the act, and by the harm done (2196). An offence may be public or occult, notorious by fact or by law (2197). An offence against the laws of the Church is justly punished by the Church (2198).

373. Office. (See *Divine Office*.)

374. Office, Ecclesiastical. The office imposed on a cleric by the Bishop must be accepted and faithfully attended to until the Bishop relieves him (128). An ecclesiastical office is a spiritual employment (145). It is obtained by appointment (147). If it has the care of souls attached to it, it can be given only to a priest (154). It should not be given to relatives or favorites (157).

375. Oils, Holy. The holy oils are blessed by the Bishop on Holy Thursday. They must be renewed every year. A small quantity of olive oil may be added to

make them last longer (734). The pastor must obtain them from the Bishop and keep them in a safe place under lock and key. He may keep them in the house for a good reason approved by the Ordinary (735).

376. Oratory. An oratory is a place destined for divine worship. It is *public* if it is accessible for all the faithful to worship there; *semi-public* if it is erected for the convenience of a community; *private* or *domestic* if erected in a private house for the use of an individual or family (1188). The oratories in the homes of Cardinals and Bishops have all the privileges of semi-public oratories (1189). Chapels erected in cemeteries by private individuals have the nature of private oratories (1190). Public oratories are classed as churches in law (1191). Semi-public oratories cannot be erected without the permission of the Ordinary (1192), but when erected all ceremonies not forbidden by the rubrics or the Ordinary may be carried out in them (1193). In private oratories in cemeteries the Ordinary may permit several Masses to be habitually celebrated. In private oratories in private homes he may permit a Mass only on some extraordinary occasion (1194). Private oratories, which have received an indult from the Holy See to have Mass, may have one Mass daily, excepting the greater feasts of the Church, but no other ecclesiastical services. The Ordinary may allow this Mass even on the greater feasts (1195). Private oratories cannot be consecrated or

blessed like churches. Private and semi-public oratories need not be blessed. They may be blessed with the blessing of a place or a house. They must be reserved exclusively for divine services (1196).

377. Orders. The power of Orders, which has been attached to an office by the legitimate ecclesiastical superior, or has been committed to a person by him, cannot be delegated to others unless the law or an indult explicitly allows delegation (210). The Sacrament of Orders distinguishes the clergy from the laity (948).

378. Ordinary. An Ordinary is any dignitary in the Church who exercises jurisdiction in virtue of his office. He may be Pope, Bishop, Abbot *Nullius*, and their vicars general, administrator, vicar and prefect apostolic, and those who succeed them in time of vacancy, or the major superiors in exempt clerical organizations (198).

379. Ordination. Ordination places clerics in the degrees of the power of orders (109), and distinguishes them from the laity (948). It must be conferred by the Bishop of the cleric, or with his dimissorial letters (955, 1). Religious are promoted to Orders under the title of community life (587, 1). A baptized man can validly receive Orders, but to receive Orders licitly the candidate must have the qualifications required by

the sacred canons and be free from irregularities (968).

380. Ordination, Qualifications for. The Bishop must not ordain any one of whose fitness he is not morally certain (973). Subdeacons must have completed their twenty-first year, deacons their twenty-second, and priests their twenty-fourth (975). The student must have begun his theology to become a cleric, have nearly completed his third year in it for subdeaconship, have begun his fourth year for deaconship, and have half finished it for priesthood (976). The intervals must be observed in conferring the Orders (978) and the major orders must be conferred with a canonical title (974, 1, 7).

381. Ordination, Requisites for. Candidates must manifest their intention of receiving Orders to the Bishop or his representative before the time of ordination (992) and have the following testimonials:

(1) of Baptism, Confirmation, tonsure, and of the last Order received;

(2) of studies required for the various Orders;

(3) of good moral standing from the rector or priest in charge;

(4) of every Ordinary in whose diocese they could have contracted a canonical impediment;

(5) and of the major superior if the candidate is a religious (993).

The names of those to be promoted to the different major Orders are to be announced in their parish churches unless they are religious with perpetual vows (998).

382. Organ. Organ or other music is not allowed during an interdict (2271).

383. Orientals. The Code does not apply to the Orientals (1). They should not confirm or be confirmed in the Latin rite, nor be confirmed by priests of the Latin rite (782, 4-5). A priest of the Oriental rite must have a testimonial of the Sacred Congregation of the Oriental Rite to say Mass in a church of the Latin rite (804, 1). Orientals may be absolved by priests of the Latin rite (881, 1). A Latin Bishop needs the permission of the Holy See to ordain a subject of the Oriental rite (955, 2). With the permission of the Holy See a cleric of the Oriental rite may receive the rest of the Orders in the Latin rite (1004). Orientals who marry Latins must be married according to the Latin rite (1099, 1, 3). To enter a convent of the Latin rite Orientals need the written permission of the Sacred Congregation for the Oriental Rite (542, 2). Orientals need an authentic recent permission of the Sacred Congregation for the Oriental Rite to collect money in any diocese of the Latin rite (622, 4).

384. Orphanages. (See *Institutions.*)

385. Pallium. The pallium indicates archiepiscopal power. It must be asked for by the Metropolitan within three months after his consecration or appointment (275). Before he has received it he cannot exercise Metropolitan jurisdiction (276). He may use it at solemn pontifical Mass in his province (277). If he loses it, or is transferred to another Metropolitan see, he must obtain a new one (278). It must be buried with the Metropolitan at his death (279).

386. Palls. Palls should be handled only by clerics or by those who have the care of them (1306, 1). They must be washed by clerics in major Orders before they are given to the laity to be washed (1306, 2).

387. Parents. Parents must give their children an education, and provide for them temporally (1113). Parents, guardians and masters must instruct those in their charge in the faith (1335). They should not baptize their own children, excepting in case of necessity (742, 2) nor act as sponsors for them (765, 3; 795, 3). They shall judge of their disposition for first Holy Communion (854, 4) and answer for them in court (1648). They cannot go to the convent if the children need their support (542, 2). They may choose the church from which those children are to be

buried who have not arrived at the age of puberty (1224, 1). (See *Education of Children, Schools.*)

388. Parishes. Parishes are to be formed in every diocese (216, 1). They are to be territorial and not for nationalities or families (216, 4). They ought to have a fixed and proportionate dowry (1415, 1) but may be established without a dowry if they can obtain a necessary income in some other way (1415, 3). They are not to be established in churches of sisters, whether their vows be simple or solemn (609, 2). They ought to be established as immovable unless the Bishop thinks otherwise (454, 3). They ought to be given to the priest best qualified to manage them (459, 1). Every parish should have a Confraternity of the Blessed Sacrament and a Confraternity of Christian Doctrine (711, 2), and its own cemetery unless the Bishop establishes one cemetery for all parishes in a town (1208, 1). They are subject to Seminary tax (1356, 1). When a vacancy occurs it should be filled by the Bishop within six months (458). In the meantime he shall put the parish in charge of an administrator (472, 1). A parish may become vacant by the resignation, the removal, the transfer, and the non-residence of the pastor (2150, 1; 2153, 3; 2167; 2169). If a pastor appeals to the Holy See, the Ordinary cannot definitively appoint a successor (2146, 3). If a new church is built in a parish the name of the old one must be given it (1187).

389. Pastors, Appointments of. A pastor is a priest or a moral body appointed to attend to the care of souls under the authority of an Ordinary (451, 1). He is the proper pastor of all who have a domicile or quasi-domicile in his territory (94). When the pastor is a moral body, a vicar must be appointed for the actual care of souls (452, 2). A pastor should be a priest of good habits, learned, zealous and prudent, and endowed with those other virtues and traits which will enable him to govern his parish to the satisfaction of each and all of the parishioners (453). Though the appointment of all is permanent some pastors are classed as movable and others as immovable (454). With the exception of the parishes reserved to the Holy See the right to appoint pastors belongs to the Ordinary (455, 1). In parishes in charge of religious the major superior presents a priest to the Ordinary to be pastor (456). Within six months (458) the Bishop ought to appoint the most suitable candidate (459, 1) known from private documents in the Curia (459, 3, 1). He becomes pastor by taking possession (461).

390. Pastors, Consultors. (See *Consultors, Parish.*)

391. Pastors, Jurisdiction of. The pastor obtains jurisdiction from the Ordinary (873, 1). In individual cases he may dispense his parishioners for good reasons from the obligation of feast, fast and abstinence (1245, 1), but from no other laws (83). During the paschal

time he may absolve from sins reserved by the Ordinary (899, 3). In guarding the secrets of his office he is not bound to reveal them even on the witness stand (1755, 2, 1). He has a right to attend the synod (358, 1, 6-7). Excepting in case of necessity he should not be vicar general (367, 3). He should make frequent use of religious in hearing the confessions of his people (608, 2). He should take an interest in the non-Catholics of his territory (1350, 1). He should take a paternal interest in his assistants (376, 7).

392. Pastors, Obligations of. A pastor must make a profession of faith before taking possession of his parish (461). He must live in his parish (465, 1) excepting while he takes his vacation (465, 2) and makes his retreat (465, 3). He must obtain permission from the Ordinary to be absent over a week and provide for the care of the faithful (465, 4-5). He must say Mass for his parishioners on Sundays and holy-days (466), recite the Divine Office, and know his people (467, 1). He must administer the Sacraments, and see that infants are baptized as early as possible (770). He must see that doctors, midwives and nurses know how to baptize correctly (743), that those baptized receive Christian names (761), that the faithful are confirmed at the right time (787), that those disposed be not kept from Holy Communion (854, 5) but receive frequently and even daily (863).

He should ever be on hand to hear confessions (892, 1) and see to it that none of the faithful die without Extreme Unction (468, 1). He must publish the names of the persons to be ordained (998) and send the testimonial letters about their lives and morals to the Curia (1000, 1). He must make the prescribed investigations and publications before marriage (1019–1031), see that those to be married have their baptismal and confirmation certificates (1021), teach them the sanctity of marriage (1033), and all the parishioners the impediments of marriage (1018). He must see to it that the young couple receive the nuptial blessing (1101, 1). He must visit and help the sick (468, 1) and guard that nothing undermine the faith and morals of his people, especially of the children in school (469).

It is the duty of the pastor to keep the parochial records and archives (470), to preach on Sundays and holy-days (1344, 1), and personally (1344, 2) to give regular catechetical instructions to children and adults (1330–1332). In the instruction of the children he may use the help of others, clerics and religious (1333). He shall provide a mission for his people at least every ten years (1349), and foster vocations to the priesthood (1353). He shall obtain his holy oils from the Bishop and preserve them carefully (735, 946). He shall warn the faithful against evil literature (1405, 2), prevent mixed marriages (1064), and marriages with non-Catholics (1071).

393. Pastors, Punishment of. If a pastor will dare to stir up the people in an effort to thwart the exercise of ecclesiastical jurisdiction, to take up public subscriptions for himself, to excite the people by word or writing, or to do other similar things, he shall be punished according to the prudent judgment of the Ordinary, if need be even with suspension (2337, 1). In like manner the Ordinary shall punish the priest who will stir up the people in any way to impede the entrance of a priest into the parish who has been legitimately appointed pastor or administrator (2337, 2).

If a pastor has seriously neglected the administration of the Sacraments, the care of the sick, the instruction of the children, preaching on Sundays and holy-days, the care of the church, of the Blessed Eucharist or of the holy oils, he shall be admonished, reprimanded, and removed from office (2382).

Those who demand fees above the ordinary and legitimate charges sanctioned in the diocese are to be punished with heavy fines. If they fail again in the same matter they are to be suspended or removed from office according to the gravity of their offence, besides having the obligation of restoring the money they unjustly obtained (2408).

394. Pastors, Religious. Religious pastors may be removed by the Bishop and by their superiors (454, 5).

They are presented by the superior and appointed by the Ordinary (456). They are subject to their religious superiors in religious discipline (630, 2), and to the Bishop in the management of the parish (631, 1). They have the obligation to keep their vows and constitutions as far as this observance will harmonize with their official duties (630, 1), and notwithstanding their vow of poverty they may accept, collect, and administer money for the benefit of the parishioners, for a Catholic school, and for other pious institutes of the parish. They may likewise spend this money according to the prudence of their judgment and the intention of the donors (631, 1, 4). Whatever they acquire as pastor, they acquire for the parish (630, 3). When finding the pastor neglectful in his office the Bishop can issue commands and punish him with ecclesiastical penalties. The religious superior, however, has the same right as the Bishop to proceed against the neglectful pastor. If the Bishop and the superior disagree, the orders of the Bishop shall prevail (631, 2). Both the Bishop and the religious superior have equal rights in removing the pastor, and neither has to give an account of his action to the other (454, 5).

395. Pastors, Rights of. (See *Functions, Parochial.*)

The pastor has a right to the revenue assigned to him by legitimate custom or legal taxation (463, 1). He would be bound to make restitution if he took more

(463, 2). He must care for the poor gratis (463, 4). He is the pastor of all souls in his territory not exempted by the Pope or the Bishop (464).

396. Patriarch. The titles of Patriarch and Primate are titles of honor and precedence, but confer no special jurisdiction (271). They are to be summoned for a general council (223, 1, 2). A Patriarch precedes a Primate, a Primate precedes an Archbishop, and an Archbishop precedes a Bishop (280).

397. Patronage, Right of. The right of patronage denotes the privilege which the law granted to those who founded a church, chapel or benefice. It consisted in choosing in perpetuity the priest to be in charge. In future this right cannot be established (1448-1450).

398. Pauline Privilege. (See *Validation of Marriage*.)

399. Payment to ex-Religious. Religious who leave their Order or Congregation at the expiration of their temporary vows, by dispensation or secularization, or are dismissed, cannot demand any compensation for the work they performed for the Order or Congregation (643).

400. Penalties. An ecclesiastical penalty is the privation of some good for the correction and punishment of the delinquent (2215). There are three kinds of

penalties in the Church: corrective punishments or censures; punitive penalties; and penal remedies or penances (2216).

401. Penalties, Corrective. (See *Censures, Excommunication, Interdict, Suspension.*)

402. Penalties, Punitive. The punitive penalties tend to expiate crime (2286). They are principally: removal from office, deposition, and degradation (2288). The punitive penalties which may affect a community are: (1) a local interdict; (2) an interdict from entering a church; (3) penal transfer or suppression of a parish or diocese; (4) infamy of law; (5) privation of ecclesiastical burial; (6) privation of the Sacraments; (7) privation of pensions; (8) prohibition to exercise legal ecclesiastical action; (9) inability to receive ecclesiastical favors; (10) privation of past favors; (11) privation of titles; (12) pecuniary fines (2291). The punitive penalties inflicted only on the clergy are: (1) prohibition to exercise the sacred ministry in a certain church; (2) suspension; (3) transfer to an inferior parish; (4) privation of some official right; (5) inhability to certain offices; (6) privation of office; (7) prohibition to stay in a certain territory; (8) command to stay in a certain place; (9) privation of ecclesiastical garb for a time; (10) deposition; (11) perpetual privation of ecclesiastical garb; (12) degradation (2298).

403. Penalties, Remedial. The penal remedies are: (1) monition; (2) correction; (3) precept; (4) surveillance (2306). In the external forum penances are imposed that the delinquent may either escape the penalty which a canonical trial might inflict, or that a delinquent may obtain absolution or dispensation from a penalty he has contracted (2312, 1). The principal penances are: (1) to recite specified prayers; (2) to undertake a pious pilgrimage or other works of piety; (3) to observe a special fast; (4) to give alms for pious purposes; (5) to make a retreat in a pious institution or a religious house for some days (2313).

404. Penance, Sacrament of. By this Sacrament the sins committed by the faithful after Baptism may be forgiven (870). The priest alone is the minister of penance (871) who obtains either ordinary or delegated jurisdiction (872). (See *Absolution, Confessor, Confession, Jurisdiction, Pastor, Approbation, Reservation.*)

405. Penitentiary, The Sacred. The Sacred Penitentiary is a tribunal of the Roman Curia having jurisdiction over affairs that concern the internal forum, both sacramental and non-sacramental. It grants favors for the internal only: absolutions, dispensations, commutations, sanations, and condonations. It discusses and decides questions of conscience (258, 1).

It also judges of all things pertaining to the use and granting of indulgences (258, 2).

406. Pensions. A pension is similar to a benefice but differs from it (1412, 4). At the time of conferring a benefice the Ordinary may impose on it a temporary pension to last for the life of the person receiving the benefice (1429, 1). In favor of the retiring pastor or parochial vicar the Ordinary may impose a pension of one-third of the net revenue of the parish (1429, 2). Pensions imposed on benefices by the Pope or others cease with the death of the pensionary (1429, 3). After a pastor has been removed he may be pensioned (2154, 1). To deprive one of his pension is a vindictive penalty (2291, 7).

407. Personal Laws. Personal laws are binding in any place, territorial laws are not (8).

408. Persons. (See *Legal Persons*.)

409. Philosophy. The philosophy of St. Thomas must be taught in all seminaries (1366, 2). It must be a two years' course (589, 1).

410. Places, Sacred. Sacred places are blessed or consecrated either for divine worship, or for the burial of the faithful (1154). The blessing of sacred places

is reserved to the Ordinary (1155). Even those who enjoy special privileges must obtain the permission of the Ordinary to bless sacred places (1157).

411. Pontiff, Roman. The Roman Pontiff has supreme jurisdiction over the entire Church (218). He receives it by divine right (219). Major cases are reserved to the Roman Pontiff (220). His renunciation of office needs no acceptance by Cardinals to be valid (221). He is the highest superior of all religious (499). A personal attack on the Roman Pontiff is punished with excommunication, most specially reserved to the Holy See (2343). All persons who appeal from the decision of the Roman Pontiff to a General Council incur excommunication specially reserved to the Holy See (2332). He is infallible when speaking *ex cathedra* (1323, 2).

412. Postulants. In religious organizations with perpetual vows all women, and the lay brothers in organizations of men, must spend at least six full months as postulants before they can be admitted to the novitiate. But in organizations of temporary vows the constitutions are to be observed in regard to the time and the necessity of the postulate (539, 1). The major superior may prolong the time of the prescribed postulate but not for more than another six months (539, 2). The postulate may be spent under the direction of a religious of tried virtue either in the house

of the novitiate or in another house of the organization in which religious discipline is accurately observed according to the constitutions (540, 1). The postulants shall wear plain clothing but different from that of the novices (540, 2). In monasteries of nuns with solemn vows candidates are held to the inclosure while they are making their postulate (540, 3). Before they begin their novitiate the postulants shall make a retreat during at least eight full days, and, according to the judgment of their confessor, a general confession of their past life (541).

413. Power. The power of jurisdiction can be exercised only in favor of subjects (201).

414. Preaching. The office of preaching the Catholic faith is committed principally to the Pope for the universal Church, and to the Bishops for their dioceses (1327, 1). Unless they are legitimately prevented Bishops are bound in virtue of their office to preach the Gospel personally; and moreover, besides the pastors, they should employ the help of other qualified men for the salutary fulfillment of the office of preaching (1327, 2). No one is allowed to exercise the ministry of preaching unless he has received a commission from a legitimate superior, either by special faculty, or by appointment to an office to which the duty of preaching is attached by the sacred canons (1327, 2).

415. Preaching, Authorization for. Only the Ordinary can authorize the secular clergy and non-exempt religious to preach (1337). If a sermon is to be preached only to exempt religious and the members of their household the superior of clerical religious grants the authorization according to the constitutions. He may also authorize secular priests and other religious who have the authorization of the Ordinary or of their superior to preach (1338, 1). If the sermon is to be preached to others or to nuns subject to regulars, the Ordinary of the place where the sermon is to be preached grants the authorization even to exempt religious. The preacher who is to address exempt nuns, however, must besides obtain the permission of the regular superior (1338, 2). The Ordinary of the place grants the authorization to preach to lay religious even though exempt, but to use this authorization the preacher must have the approval of his religious superior (1338, 3). The local Ordinaries should not without grave reason refuse authorization for those religious to preach, who are presented by their own superior, nor summarily recall the permission which was granted, especially to all the priests of a community (1339). Religious priests need the permission of their superior to use this authorization licitly (1339, 2). The consciences of the local Ordinary and of the religious superior are burdened with the responsibility not to grant this authorization or permission to any one who was not examined and is known to

possess good morals and sufficient knowledge (1340, 1). They are to recall this authorization and permission if they learn after granting it that the preacher is wanting in the necessary qualifications. When a doubt arises about his knowledge they ought to make sure, even by a new examination if necessary (1340, 2). Priests from outside the diocese, whether they are secular or regular, are not to be invited to preach before the permission of the local Ordinary has been obtained (1341, 1). Only priests and deacons can be authorized to preach (1342, 1). All laymen even religious are forbidden to preach in church (1342, 2).

416. Preaching, Lenten Sermons. The local Ordinaries shall provide that during Lent sermons be preached more frequently in cathedral and parochial churches (1346, 1). In these sermons those points should be specially treated which the faithful must believe and do to be saved (1347, 1). The faithful are to be admonished and exhorted to frequent these sermons (1348).

417. Preaching, Missions. The Ordinaries shall insist that the pastors have a mission preached to their people at least every ten years (1349, 1). All pastors, even religious, must obey the regulations of the local Ordinary in this matter (1349, 2). The Ordinaries and the pastors should take an interest in the non-Catholics of their dioceses and parishes (1350, 1).

In other territories the care of the missions is reserved entirely to the Holy See (1350, 2). No one must be forced to embrace the Catholic faith against his will (1351).

418. Preaching on Sundays. The local Ordinary may preach in any church of his territory (1343, 1). It is the duty of the pastor to announce the word of God on Sundays and holy-days of obligation with the usual homily, especially at the Mass which is most frequented by the people (1344, 1). Without the approval of the Ordinary he cannot habitually fulfill this obligation through another (1344, 2). The Ordinary may dispense from the preaching on the more solemn feasts and some other Sundays (1344, 3). In public oratories where the faithful hear Mass on Sundays and holy-days of obligation a short explanation of the Gospel or of some point in Christian doctrine should be given (1345).

419. Precedence. Cardinals precede Patriarchs, Primates, Archbishops and Papal Legates who are not Cardinals (239, 21). In his own diocese a Bishop precedes all Bishops and Archbishops excepting his Metropolitan, Cardinals, and Papal Legates (346). The religious precede lay people, clerical organizations precede laical, canons regular precede monks, monks precede other regulars, regulars precede religious Congregations, Congregations of papal law precede diocesan

Congregations, the secular clergy precede both laical and clerical religious bodies, excepting in the churches of the latter (491).

420. Precedence, Rules of. With the exception of special regulations in certain localities the following rules govern precedence: (1) whoever represents another obtains his precedence from him; (2) superiors precede subjects; (3) where there is no authority those of a higher dignity precede those of lesser dignity, those of a higher order precede those of a lesser order, and those of senior ordination those of junior ordination (106).

421. Precepts. Precepts given to individuals bind them wherever they go. They expire with the authority of the one who gave them, unless they were given in the form of a legal document or before two witnesses (24).

422. Prefects Apostolic. Prefects Apostolic have the same power of jurisdiction as a Bishop, and if consecrated also the same power of ordination (957).

423. Prelate Nullius. (See *Abbot Nullius*.)

424. Prescription. Prescription, as a means of acquiring a right of freeing one's self from an obligation, is accepted by the Church in reference to ecclesiastical goods, with the following exceptions (1508). (1) The

rights and duties of the divine law, (2) rights obtained only by Apostolic indult, (3) spiritual rights, (4) the limits of provinces, dioceses and parishes, (5) stipends and obligations of Masses, (6) ecclesiastical benefices, (7) the right of visitation and obedience, (8) the payment of the cathedraticum: are not subject to prescription (1509). No prescription is valid unless it is based on good faith in acquisition and possession (1512). Goods, rights, and actions belonging to the Holy See are prescribed by a space of one hundred years (1511, 1). Goods and rights belonging to another ecclesiastical legal person are prescribed by a space of thirty years (1511, 2).

425. Priest. The priest must stand an examination for three years after his ordination (130, 1). He should daily meditate, visit the Blessed Sacrament, recite the rosary, and examine his conscience (125, 2). Must say Mass several times during the year, ought to say it on Sundays and holy-days (805). May say Mass daily, and three times on Christmas and All Souls day (806, 1). He should not omit his studies (129). He must attend the diocesan conferences (131, 3). (See *Cleric, Pastor, Confessor, Preaching, etc.*)

426. Primary Unions. (See *Archconfraternity.*)

427. Primates. The title of Primate is one of honor, not of jurisdiction (271).

428. Privileges. Privileges may be acquired by concession, communication, and prescription (63). In doubt they receive a favorable interpretation (50, 68). They are granted in perpetuity, unless stated otherwise (70). No one is obliged to use a privilege granted for his personal benefit (69). The Privileges contained in the Code are revoked by a general law. Particular privileges are revoked by a general law when explicitly stated (71). Privileges cease by renunciation (72), by becoming burdensome or illicit through the changes effected by time (77).

429. Privileges of Bishops. (See *Bishop*.)

430. Privileges of Cardinals. (See *Cardinal*.)

431. Privileges of Clerics. (See *Clerics*.)

432. Privileges of Religious. (See *Religious*.)

433. Processions, Sacred. Sacred processions are solemn supplications made by the faithful under the leadership of the clergy by marching from one sacred place to another to incite devotion, to commemorate God's favors, to thank Him for blessings, and to ask His divine aid (1290).

434. Procurator. If one of those called to a General, Plenary, or Provincial Council is justly impeded he

may send a procurator, who may be present but not vote (224). In organizations of religious there should be a procurator for the administration of the temporal goods of each house, a provincial procurator for each province, and in organizations of men approved by the Holy See a procurator-general. It is the duty of the latter to transact the business of his organization with the Holy See (517).

435. Profession of Faith. The profession of faith must be made: (1) by all who take part in a General or Particular Council, or a diocesan synod; (2) by those promoted to the dignity of Cardinal, Bishop, Abbot, Abbot *Nullius*, Prefect Apostolic or Vicar Apostolic; (3) by those appointed canons, vicars general, pastors, or otherwise having the care of souls; (4) by the rector and professors of Catholic universities, and those who are about to receive university degrees; (5) by superiors of clerical religious as often as they are elected or appointed to an office (1406).

436. Profession, Religious. For a valid religious profession it is required that: (1) the person be of legitimate age; (2) be admitted to profession by the legitimate superior according to the constitutions; (3) after making a valid novitiate (See *Novitiate*); (4) the profession be free from violence, grave fear or deceit; (5) expressed in words; (6) and accepted by the legitimate superior or his delegate; (7) for the

perpetual profession, whether simple or solemn, to be valid, a simple, temporary profession of at least three years must precede it (572). Whoever wishes to make a religious profession must have completed his sixteenth year for a temporary profession, and his twenty-first year for a perpetual profession, whether solemn or simple (573). In every Order of men and women, and in every Congregation with perpetual vows, the novice, while in the house of the novitiate, must take temporary vows for three years, or for a longer period if the age requisite for perpetual profession requires it, unless the constitutions require annual professions (574, 1). The legitimate superior may extend this time, by permitting the religious to renew his temporary profession, but not for more than another term of three years (574, 2). After the time of temporary profession has elapsed the religious will either make his perpetual profession, which will be solemn or simple according to the constitutions, or he will return to the world. But even during the time of his temporary profession he may be sent away if he is not found worthy to take perpetual vows (575, 1). (See *Dismissal of Religious*.) The vote of the Council or Chapter is deliberative for the first temporary profession; for the subsequent perpetual profession, whether solemn or simple, it is only consultive (575, 2). In making the profession the rite prescribed by the constitutions shall be observed (576, 1). The record of the profession shall be signed by the person pro-

fessed and at least by him who received it, and shall be preserved among the documents of the institution. Moreover, when there is question of a solemn profession the Superior who receives it must notify the pastor of the place where the professed was baptized (576, 2). There should be no delay in renewing the vows when the time of the temporary vows expires (577, 1). For a just cause the superiors may permit the renewal of temporary vows to be anticipated for some time but not for more than a month (577, 2).

437. Profession, Religious, Consequences of. 1. Religious professed with temporary vows enjoy the same indulgences, privileges and spiritual favors as perpetually professed religious. They are bound to observe the rules and constitutions, but are not bound to say the Office privately unless they are priests. They have neither active nor passive vote (578).

2. Simple profession renders actions against the vows illicit. Solemn profession renders the same illicit and invalid (579).

3. Simple profession does not interfere with the possession or the capacity of acquiring goods but with their administration (580, 1). (See *Novitiate*.)

4. Whatever the religious acquires as a religious belongs to the community (580, 2).

5. To dispose of property the professed religious needs the permission of his legitimate superior (580, 3).

6. Within sixty days before solemn profession the religious with temporary vows must, under condition of solemn profession, dispose of his goods and have this disposal ratified according to civil law (581).

7. All goods that come to the solemnly professed go to the Order (582).

8. The religious with simple vows cannot give away his goods nor change the will he made before his profession without permission of the Holy See, or of the legitimate superior in case of necessity (583).

9. Parochial benefices are forfeited one year after any religious profession; other benefices after three years (584).

10. A profession that was invalid on account of an external impediment is made valid by a *sanatio in radice* from the Holy See or by a valid profession. If it is invalid on account of a want of internal consent it is validated by giving that consent (586).

438. Prohibition of Books. (See *Approbation*.)

439. Promulgation of Law. The laws of the Holy See are promulgated by publication in the *Acta Apostolicæ Sedis* (9). The manner of promulgating the laws of Bishops is determined by themselves (335).

440. Propaganda, Sacred Congregation of the. The Sacred Congregation of the Propaganda of the Faith has charge of missions for the preaching of the Gospel

and Catholic doctrine. It has jurisdiction over societies and seminaries founded exclusively for the training of missionaries, and of councils in missionary countries. It refers questions of faith and of marriage, that come up in its territory, to competent Congregations in the Roman Curia for settlement. It directs the missionary labor of religious under its jurisdiction (252).

441. Property. (See *Goods of Church, Goods of Religious.*) Difficulties about church property are to be sent to the Congregation of the Council for settlement (250).

442. Protector, Cardinal. The office of a Cardinal protector is to promote the welfare of an organization of religious by his advice and patronage. He has no jurisdiction over the Order or its members (499).

443. Protestants. Even though they are in good faith and ask for them, the Sacraments cannot be administered to Protestants until they have renounced their errors and been reconciled to the Church (731). The children of apostates, heretics, schismatics, and infidels may be baptized in imminent danger of death without the consent of the parents. Without that danger they may be baptized if at least one parent or the guardian consents and guarantees to bring the child up a Catholic (750, 751).

- 444. Province, Ecclesiastical.** The Holy See alone can form, limit, divide, unite and suppress ecclesiastical provinces (215, 1). Ecclesiastical provinces are governed by a Metropolitan or Archbishop (272).
- 445. Province, Religious.** A religious province is a union of several houses of a religious organization presided over by one and the same superior (488, 6). The Holy See divides religious organizations into provinces (494). A province is capable of acquiring, possessing and administering temporal goods (531-532).
- 446. Provocation.** Provocation diminishes the imputability of a fault (2205, 4).
- 447. Proxy.** The profession of faith cannot be made by proxy (1407). A benefice may be taken possession of by proxy (1445). Marriage may be contracted by proxy (1088, 1; 1089). An oath cannot be taken by proxy (1316, 2). Testimony cannot be given by proxy (1746). Sponsors may act by proxy in Baptism (765, 5).
- 448. Puberty.** Girls arrive at the age of puberty at twelve, boys at fourteen (88, 2). Children who have arrived at the age of puberty may choose the church and cemetery for their funeral (1223, 2). Children

who have not yet reached the age of puberty do not incur the penalties *latæ sententiæ* (2230).

449. Publication. The names of those to be promoted to the three major Orders are to be published in their parish churches unless they are religious with perpetual vows (998).

450. Publication of Banns. (See *Banns*.)

451. Publishers. (See *Approbation*.)

452. Pyx. The pyx must be made of solid and respectable material (1270).

453. Quasi-domicile. (See *Domicile*.)

454. Quasi-pastors. The priests in charge of congregations in Vicariates and Prefectures Apostolic are called quasi-pastors (216, 3). They are removable (454, 4), appointed by the Ordinary (457), and have the same rights and duties as pastors (451, 2, 1). They need to say Mass for the people only on eleven feasts (306). (See *Mass pro populo*.) Quasi-parishes may be taxed for the support of the seminary (1356, 1).

455. Rape. Rape consists in kidnapping a woman and forcibly detaining her with the intention of future marriage. While this detention lasts it establishes an invalidating impediment to the marriage (1074).

- 456. Reason, Use of.** The use of reason is necessary to subject one to the law (12).
- 457. Recall.** Ordinaries may recall priests who have gone to other dioceses without excommunication (144).
- 458. Reception of Novices.** (See *Novitiate, Investiture.*)
- 459. Reception of Sodalists.** The reception shall take place according to law and the statutes of each association (694, 1). That a record may be kept of the reception the names should be entered in the records of the association. This recording of names is essential for the validity of the reception into societies recognized by the Church (694, 2). No payment should be demanded on the occasion of a reception excepting what the statutes prescribe (695).
- 460. Reconciliation.** A desecrated church that had been blessed can be reconciled by the rector or a priest delegated by him (1176, 1). The reconciliation of a consecrated church belongs to the Bishop (1176, 2). In urgent need the pastor can reconcile it and notify the Bishop (1176, 3).
- 461. Records.** The pastor shall keep the parochial records of Baptism, Confirmation, Marriage, and the Deceased. He shall keep the Census Book as correct as possible. In the baptismal records he should insert

a notice about confirmation, marriage, subdeaconship and solemn profession. At the end of the year the pastor should send a copy of the records to the diocesan Curia (470).

462. Recourse to Holy See. When recourse to the Holy See is difficult and there is danger of harm in delay the Ordinary may dispense from the general laws of the Church in particular cases in which the Holy See usually dispenses (81), especially in marriage cases in danger of death (1043) and when an impediment is discovered only when the marriage ceremony is prepared and cannot be delayed without danger of great evil (1045). In extreme matrimonial cases, where even the Bishop cannot be approached in time, the pastor may dispense (1044, 1045).

463. Rectors of Churches. Rectors of churches are priests in charge of churches that are not parochial, capitular or religious (479, 1). They are appointed by the Ordinary, even when the church belongs to an Order or seminary (480). Though the rector cannot perform parochial functions (481) he may hold solemn services (482). The Ordinary may command him to hold services at an hour convenient for the people that live far from the parochial church (483).

464. Rectors of Colleges. Rectors of colleges are not permitted to be the confessors of their students (891)

but have the right and duty to promote their Christian education (1372).

465. Reduction of Clerics to the Lay State. Clerics may be reduced to the lay state: (1) by a rescript of the Holy See; (2) by a judicial decree, when one was forced by great fear to receive Orders; (3) by the penalty of degradation (211, 1). A cleric in minor Orders may return voluntarily to the lay state or be sentenced to it by the Ordinary (211, 2). To return to the clerical state one in minor Orders requires incardination by the Ordinary, but in major Orders the permission of the Holy See (212). Clerics who have been legitimately reduced to the lay state forfeit all clerical offices, rights, benefices, and privileges, and are forbidden to wear the clerical dress and tonsure. Those in major Orders, excepting those who were ordained through grave fear, must observe celibacy (213).

466. Relationship, Spiritual. Though spiritual relationship is also contracted in Confirmation, only that contracted in Baptism between the person baptized, the one baptizing, and the sponsors produces an invalidating impediment (768, 1079).

467. Relics. Questions about relics are decided by the Congregation of Sacred Rites (253). The making, and distributing of bogus relics is punished with ex-

communication (2326, 5). Small relics may be kept by private persons; to keep large ones they need the permission of the Ordinary (1282). Prominent relics cannot be permanently transferred to a church without the permission of the Holy See (1281). If the document of authentication is lost the relic cannot be exposed for public veneration without the approval of the Bishop (1128, 1). It is forbidden to sell sacred relics (1289).

468. Religious and Ecclesiastical Dignities. Without permission of the Holy See no religious can be promoted to any dignity, office or benefice, incompatible with the religious state (626, 1). When legitimately elected he cannot accept the election without the permission of his general superior (626, 2). And if he is held by his vow not to accept dignities he requires a special dispensation from the Holy See (626, 3).

A religious who has been proclaimed a Cardinal or a Bishop remains a religious and shares the privileges of his Order. He remains subject to his vows and other obligations of his profession with the exception of those things which he judges incompatible with his dignity (627, 1). He is exempted, however, from the authority of his superiors, and by his vow of obedience becomes subject to the Pope alone (627, 2). When a religious renounces the Cardinalate or episcopate, or has finished the work outside the Order committed to him by the Holy See, he is bound to

return to his Order, and may choose any house of his Order as his residence, but has neither active nor passive voice (629).

469. Religious, Confessors of. (See *Confessors of Religious, Manifestation of Conscience.*)

470. Religious, Debts of. (See *Debts.*)

471. Religious, Foundation of Societies of. With the approbation of the Holy See Bishops may found religious Congregations (492, 1). Even though diocesan Congregations spread into other dioceses, they remain under the jurisdiction of the Ordinary until they obtain the approbation of the Holy See (492, 2).

The name and habit of an established society cannot be assumed by a new organization or by others who have no right to it (492, 3). It belongs to the Holy See to divide Congregations of papal law into provinces and to establish new ones (494, 1). A diocesan Congregation cannot establish a house in another diocese without the consent of the Bishop of the diocese where the principal house is situated, and the Bishop of the diocese where the new house is to be established (495, 1). If a diocesan Congregation has spread to other dioceses it cannot change its constitutions without the consent of every Bishop in whose diocese it has a house (495, 2). For the erection of a house of an exempt Order or Congregation, and for

a monastery of nuns, the permission of the Holy See besides the written permission of the Ordinary is required; for others the permission of the Ordinary suffices (497, 1). The permission to establish a house of clerical religious includes the permission to have a church or public oratory, but the religious must have the approval of the Ordinary for the location of the church (497, 2). To convert a religious house to other purposes requires the same formalities as a new foundation (497, 4).

472. Religious, Funerals of. Professed religious and novices and their servants are to be buried from their church or chapel. If a religious dies away from home the superior may have the remains brought home or buried in the place where the religious died (1221).

473. Religious Goods, Administration of. Not only the society, but also the province, and the individual houses are capable of acquiring and possessing temporal goods, together with fixed revenues and endowments (531). These goods are to be administered according to the constitutions. The superior, and other officials designated by the constitutions, may make expenditures and perform legal acts of ordinary administration validly within the limits of their office (532). Besides complying with the constitutions the permission of the Bishop is required in the following cases: (1) The superioress of nuns of solemn vows, and the

superioress of diocesan congregations need this consent for every investment. If a monastery of professed nuns is subject to a regular superior his consent is also required. (2) The superioress in a congregation of papal law with the consent of her council, of the Ordinary, and of the religious superior shall invest the dowry of the sisters and not consume it before the death of the sisters (see 549). (3) The superior of any house of a Congregation needs the consent of the Ordinary to dispose of real estate left by will to promote divine worship or works of charity to be carried on in that place. (4) Any religious, even of an exempt Order, who receives money for a parish or mission must obtain the consent of the Ordinary to invest it. (5) This consent is also required to change an investment (533).

474. Religious Goods, Sale and Borrowing. When there is question of disposing of objects of great value or other goods whose value exceeds 30,000 francs, or of contracting a debt beyond that sum, the contract is invalid without the permission of the Holy See. For other contracts the written permission of the superior in accordance with the constitutions, with the consent of his council given in secret vote, is sufficient. But in the case of nuns and of sisters of a diocesan institute the written permission of the Ordinary and of the religious superior, if the monastery is subject to one, is required (534, 1). In

the petition for permission to contract debts or other obligations it must be stated what other debts and obligations the society, the province, or the house has at the time, otherwise the permission obtained is invalid (534, 2).

475. Religious, Last Sacraments to. In all communities of religious clerics the superior has the right and duty to administer Viaticum and Extreme Unction to the dying (514, 1). In the monastery of nuns the ordinary confessor has the same right and duty (514, 2). In other Congregations of laics the pastor or the chaplain has this right and duty given by the Ordinary (514, 3).

476. Religious, Letters of. (See *Letters*.)

477. Religious Mendicants. (See *Alms*.)

478. Religious, Obligations of. Religious are bound to observe the general obligations of clerics unless it is evident from the context that they do not apply to them (592). All religious, superiors as well as subjects, must not only observe their vows faithfully but also live according to the rules and constitutions of their own society, and thus strive after the perfection of their state in life (593). In every society of religious all must accurately observe the regulations

even in those things which pertain to food, clothing and furniture (594, 1). Whatever is acquired by the members, even by the superiors, must be incorporated into the community, and all money received, no matter from what source, must be deposited in the treasury of the community (594, 2; 580, 2; 582, 1). The furniture of religious must conform to the poverty they have professed (594, 3).

The superiors will see to it that the religious: (1) make their retreat annually; (2) assist at Mass daily, when they are not prevented, make meditation, and diligently practise the other pious exercises prescribed by the rules and constitutions; (3) and go to confession at least once a week (595, 1). The superiors will foster the frequent, and even daily reception of Holy Communion among their subjects, and permit all to approach the holy table who are properly disposed (595, 2). But if a religious has given serious scandal since the last confession, or committed a grave external fault, the superior may keep that one from receiving Holy Communion until he has again gone to confession (595, 3). If there are religious of simple or of solemn vows who have rules, constitutions or calendar that prescribe Communion on certain days, let them understand that such regulations are only directive (595, 4).

All religious shall wear the habit of their society both within and out of the house, unless excused by

a grave cause according to the judgment of the superior general, or in an urgent necessity, of the local superior (596). (See *Enclosure*.)

When a house of religious has a school or college for its own students attached to it, or if the religious conduct other institutions proper to their society, a separate part of the building shall be reserved for the dwelling of the religious and subjected to the law of the enclosure (599, 1; 604, 2). Excepting for good reasons approved by the superior, persons of the opposite sex shall not be admitted to the places outside the enclosure set apart for the students or for other purposes of the community (599, 2; 604, 2). The superioress and the Bishop shall see to it that no sister goes out without another sister as companion, excepting in case of necessity (607).

479. Religious, Privileges of. Every society of religious has only those privileges which are either contained in this Code or directly granted to it by the Holy See to the exclusion of all communication for the future (613, 1). The privileges of monks are also enjoyed by nuns of the same Order in so far as they are capable of sharing them (613, 2). All religious, including novices and lay members, enjoy the privileges of clerics. (See *Clerics*.) (614) With the exceptions mentioned in the law all monks and nuns enjoy the privilege of exemption from the jurisdiction of the Ordinary while they are at home (615-

616). In Congregations of papal law the Bishop may not: (1) interfere in the administration of temporalities; (2) change the constitutions; (3) interfere in the internal government (619). All religious in the diocese share in the dispensations granted by the Ordinary to the people of his diocese, that harmonize with their vows and constitutions (620).

480. Religious Procurator. (See *Procurator*.)

481. Religious Pastors. (See *Pastors, Religious*.)

482. Religious, Sacred Congregation of. The Sacred Congregation of Religious has jurisdiction over all Religious Orders, Congregations and societies without vows. The government, discipline, studies, goods, property, privileges, dispensations from the common law of the Church for the religious, with the exception of the Eucharistic fast for the celebration of Mass, are subject to this Congregation (251).

483. Religious State. The religious state is a fixed mode of living a community life in which the faithful, besides keeping the common precepts, oblige themselves to observe the evangelical counsels by the vows of obedience, chastity and poverty. It must be held in high esteem by all (487).

In canon law the following terms occur and may be defined as follows: (1) *Religion* is a society approved

by legitimate ecclesiastical authority, in which the members strive after evangelical perfection according to their own constitutions. (2) *Orders* are societies of religious with solemn vows, *Congregations* with simple vows. (3) *Religion of papal law* is a society of religious that has the approval of the Holy See, *religion of diocesan law*, one that has only the approval of the Ordinary. (4) *Religion of clerics* is a society composed principally of priests, *religion of laics*, composed of laymen or women. (5) A *religious house* is a general term for the home of a community of religious, a *house of regulars* is the house of an Order. (6) A *province* is a union of several houses of the same society under a superior. (7) *Religious* are persons who have taken the vows in any society; *regulars*, who have taken vows in an Order; *religious of simple vows*, who have taken vows in a Congregation; *sisters*, who have taken simple vows; *nuns*, who have taken solemn vows, or made their profession in a society that at one time took solemn vows. (8) *Major superior* is the abbot, general, provincial, or the vicar of one of these (488).

The rules and constitutions of individual religious societies opposed to the canons of this Code are abrogated, the others remain in force (489). The laws of the canons for religious although expressed in the masculine gender apply equally to religious women unless the context or the nature of the law proves the contrary (490).

484. Religious Superiors. The Pope is the supreme Superior of all religious and must be obeyed even in virtue of the vow of obedience (499, 1). The Cardinal Protector of an Order has no jurisdiction. His office is to promote the good of the Order by advice and patronage (499, 2). With the exception of those who have obtained exemption religious are also subject to the Ordinary (500, 1). Nuns with solemn vows under the jurisdiction of a regular superior are subject to the Ordinary in points specified by law (500, 2). Without a special papal indult no Order of men can have jurisdiction over a Congregation of women, or claim the special right to care for and direct its members (500, 3).

Superiors and the Chapter have governing power over their subjects. In a clerical, exempt society they also have jurisdiction in both forums (501, 1). All superiors are forbidden to interfere in cases belonging to the Holy Office (501, 2). The power and jurisdiction of the Prime Abbot and the superior of a Monastic Congregation are defined by the constitutions and the special laws of the Holy See (501, 3). The superior general of a society of religious has power over all provinces, houses, and all individual religious according to the constitutions. Other superiors have the same power within the limits of their office (502).

485. Religious Superiors, Account to be Rendered by.

In every monastery of nuns, even though exempt, the

superioress shall give an account to the Bishop of her administration at least once a year, and also to the regular superior if her house is subject to him. If the Ordinary does not approve of the administration he may remedy the defect even by removing the procurator and other administrators. If the house is subject to a regular superior, the Bishop shall admonish him to remedy matters, and do so himself if the latter neglects it (535, 1). In other houses of religious women an account must be given to the Ordinary at the time of the visitation, of the administration of goods that constitute the dowry of the sisters (535, 2). The Ordinary shall always have the right (1) to inquire into the financial standing of the religious houses of diocesan sisterhoods, (2) to demand an account of the administration of real estate left them for religious purposes (535, 3).

486. Religious Superiors, Age of. A superior general of men, and an abbess of nuns, must be forty years old, other major superiors must be thirty years old, and ten years professed (504).

487. Religious Superiors, Duties of. The superiors shall reside in their respective houses and leave them only according to the rules and constitutions (509, 1). The local superiors (1) shall have the constitutions of the society read publicly once a year, and also the decrees which the Holy See shall order to be read before

the whole community, (2) shall have an instruction on Christian doctrine given at least twice a month to lay brothers and servants (509, 2). Every five years the Abbot primate and superior general of societies of papal law shall send a report to the Holy See concerning the state of the organization, signed by the general and his council. In the case of a congregation of women this report must also be signed by the Bishop of the place where the superior general and her council reside (510).

488. Religious Superiors, Election of. (See *Election.*)

489. Religious Superiors, Term of. The major superiors should be temporary unless the constitutions demand otherwise. Local superiors must not be appointed for more than three years. After that term they may be appointed for a second term, if the constitutions allow, but not for a third term in the same religious house (505).

490. Religious, Suppression of Societies of. When a society of religious has once been lawfully established, even though only a diocesan Congregation, it cannot be dissolved without the consent of the Holy See. To the Holy See also is reserved the disposal of the goods of the Congregation (493). To the Holy See it also belongs to suppress provinces (494, 1). A house of an exempt society cannot be suppressed without the consent of the Holy See. If it belongs to a non-

exempt Congregation of papal law it may be suppressed by the general superior with the consent of the Ordinary. A house of a diocesan Congregation may be suppressed by the Ordinary but the Congregation may appeal to the Holy See (498).

491. Religious, Visitation of. The major superiors, on whom the constitutions put the obligation of visiting the houses subject to them at stated times, shall perform this duty personally if they can, otherwise through delegates (511). Every five years the local Ordinary must visit, either personally or through another: (1) every monastery of nuns subject to himself or to the Holy See; (2) every house of diocesan congregations of both men and women; (3) every monastery of nuns subject to a regular superior and inquire about the observance of the enclosure; (4) every house of clerics of papal law, even though exempt, and make the visitation of the church, sacristy, public oratory and places where confessions are heard. (5) In houses of laic congregations of papal law he will in addition to the points mentioned in the preceding number also inquire into the internal discipline (512).

It is the right and duty of the superior to inquire into whatever comes within the scope of the visitation, and the duty of subjects to answer questions truthfully. It would be wrong for local superiors to do anything to frustrate the object of the visitation (513, 1). An appeal may be taken from the decision of the visitor (513, 2).

492. Removal of Pastors, Reasons for. A removable as well as an irremovable pastor may be removed for a grave reason which makes his ministry harmful or at least inefficacious (2147, 1). This reason may be: (1) chronic infirmity, (2) constant opposition of the parishioners, (3) loss of reputation, (4) suspicion of secret crime, (5) mismanagement (2147, 2).

493. Renewal of Vows. (See *Profession*.)

494. Renunciation of Goods. (See *Novitiate, Profession*.)

495. Reports of Bishops. Bishops must make a report of the state and condition of their dioceses to the Consistorial Congregation (248) every five years (340, 1).

496. Reports of Religious Superiors. Religious superiors must make a report to the Holy See every five years concerning the state of their organization. This report must be signed by the general superior and his council. In the case of an organization of women this report must also be signed by the Bishop of the place where the general superior and her council reside (510).

497. Reprimand, Judicial. If the guilty person acknowledges his fault the Ordinary shall employ the judicial reprimand instead of the criminal trial (1947).

498. Rescripts. Rescripts take effect the moment they are signed (38). Conditions demanded in them are essential to their validity (39). They are granted on condition that the reasons stated are based on truth, unless granted in the form of *motu proprio* or are dispensations from marriage impediments of lesser degree (40). They are not invalid on account of a mistake in name or place (47). They are not revoked by a contrary law (60), nor invalidated by the death of the person granting them (61).

499. Reservation. The false accusation before ecclesiastical judges of an innocent priest, charging him with solicitation in confession, is reserved to the Holy See (894). Ordinaries should not reserve sins before they have discussed the matter in synod, or asked the advice of their consultors and some prudent and experienced confessors and found out whether the reservation is necessary or at least useful (895). The faculty to absolve from the Bishop's reserved cases should be habitually given to the deans with the power to subdelegate priests of their districts for individual cases (899, 2). All duly authorized confessors have the power of absolving from episcopal reservations during the paschal time, and missionaries during the exercises of the mission (899, 3). All reservation ceases: (1) when persons who are sick confess at home, or when persons are to be married; (2) whenever the superior refused to grant the faculty asked for a par-

ticular case, or when according to the prudent judgment of the confessor the faculty cannot be asked of the lawful superior without grave inconvenience to the penitent or without danger of violating the seal of confession; (3) whenever the penitent goes to confession outside the diocese, where the sin is not reserved, even when he goes there only to obtain absolution (900).

500. Residence, Law of. (See *Absence*.) Clerics who possess an office or benefice which requires residence *ipso facto* forfeit the right to the revenue or salary of their benefice or office in proportion to the time they illegally absent themselves. They are obliged to turn it over to the Ordinary, who is to use the money for the benefit of a church, or pious institution or for the poor (2381, 1).

501. Resignation of Office. For the resignation of the Pope, the acceptance by the Cardinals is not required (221). The Ordinary shall not permit the resignation of a cleric in major Orders unless he has other means of supporting himself (1484).

502. Respect due to the Ordinary. All clerics, but especially priests, are under special obligation to respect and obey their Ordinaries (127).

503. Retreat. (See *Exercises, Spiritual*.)

504. Revalidation of Marriage. (See *Validation of Marriage*.)

505. Revenues of Benefice. Revenues of a benefice are due the beneficiary from the moment he takes possession (1472). He may use them for his support and for pious causes (1473).

506. Revocation. All laws published prior to the Code that conflict with the laws of the Code are abolished (6). In doubt about the revocation of a law, the new law is to be reconciled with it (23). A law does not abrogate centenary customs, nor does a general law abolish particular customs (30). Favors granted by rescript are not revoked by a contrary law (60).

507. Rights. Acquired rights, privileges, and indulgences remain in force unless explicitly abrogated by the Code (4).

508. Ring. Clerics should not wear a ring (136, 2). Prelates may wear a ring (325). Doctors may wear a ring outside of sacred functions (1378). Cardinals, Bishops, and Abbots may wear a ring while saying Mass (811, 2).

509. Rite. A person belongs to the rite in which he was baptized (98, 1). A child should be baptized in the rite of its father (756). A priest must use altar-

bread of his own rite in saying Mass (816). He may say Mass in a church of a different rite where there is none of his own (823). Holy Communion may be received in the church of any Catholic rite, but Viaticum must be received in one's own rite (866). Persons of one rite may confess to priests of another rite (905). Marriages of parties of different rites are to be contracted before the pastor of the husband (1097, 2).

510. Roman Curia. (See *Curia, Roman.*)

511. Rosaries. Indulgences attached to rosary beads are lost only when the beads are totally destroyed or sold (924, 2).

512. Rota. The Holy Roman Rota is the ordinary court of appeal established by the Holy See. It consists of a certain number of auditors presided over by a dean (1598, 1). The auditors are priests who have their degrees in civil and canon law, and are appointed by the Pope (1598, 2, 3). The Holy Rota renders its decisions through a committee of three judges, or in full session, unless the Pope decides otherwise (1598, 4).

513. Rubrics. The rubrics are to be accurately observed in the administration of the Sacraments (733, 1), and especially in the celebration of Mass (818).

514. Sacramentals. Sacramentals are articles and actions which the Church uses to obtain favors by her intercession (1144). Only the Holy See can constitute new sacramentals, authentically interpret those in use, and abolish or change them (1145). The legitimate minister of sacramentals is a cleric who has received the faculty, and who has not been prohibited by competent ecclesiastical authority to exercise it (1146). Only bishops can perform consecrations. Any priest can impart the blessings, excepting those that are reserved. Reserved blessings given by a priest are illicit but valid. Deacons and lectors can give only those blessings conceded to them by law (1147). The directions of the Church must be accurately observed in preparing and administering sacramentals (1148). The blessings of the Church should above all be given to Catholics; they may be given to catechumens, and also to non-Catholics to obtain for them the light of faith and bodily health (1149). Blessed articles are to be treated reverently, and not devoted to profane or improper uses, although they are in the possession of private individuals (1150). (See *Exorcist*.)

515. Sacraments. The Sacraments should be administered and received with great care and reverence (731, 1). It is forbidden to administer them to heretics and schismatics, unless they have first renounced their errors and been reconciled to the Church (731, 1). The Sacraments of Baptism, Con-

firmation and Holy Orders, which imprint a character, cannot be received a second time (732, 1). But if there is a prudent doubt whether they were administered, or whether they were administered validly, they may be administered conditionally a second time (732, 2). In preparing for, in administering, and in receiving the Sacraments, the rites and ceremonies found in approved liturgical books must be carefully observed (733, 1). For no reason whatever may the minister demand or ask anything for the administration of the Sacraments except what was specified in the provincial council (736). The laity has the right to receive spiritual treasures and especially the necessary means of salvation from the clergy according to ecclesiastical discipline (682). The pastor is bound to administer the Sacraments whenever his parishioners reasonably ask for them (467).

516. Sacraments, Sacred Congregation of the. The Congregation of the Sacraments has charge of disciplinary regulations concerning the seven Sacraments. It grants dispensations from marriage impediments as well as dispensations for the reception of other Sacraments (249).

517. Sacrifice of the Mass. (See *Celebrant, Mass.*)

518. Saints. The veneration of the servants of God and of their relics and images is good and useful. All

the faithful should above all honor with filial affection the Blessed Virgin Mary (1276). Only those servants of God may be publicly venerated who have been placed among the saints and blessed by the authority of the Church (1277, 1). The saints are also laudably chosen and constituted the patrons of nations, dioceses, provinces, confraternities, religious bodies, and of other places and legal bodies, with the confirmation of the Holy See (1278).

519. Salary, Forfeiture of. Clerics who possess a benefice or office which requires residence, forfeit their salary for the time they illegally absent themselves from it (2381, 1). Persons who neglect to make the required profession of faith when appointed to an office or a benefice forfeit the right to the revenue or salary of the benefice or office for the time they wilfully neglect to make the profession (2403).

520. Saloon. Clerics must not visit saloons excepting for a just cause approved by the Ordinary (138).

521. Sanatio in Radice. (See *Validation of Marriage*.)

522. Schools, Catholic. Catholic children have a right to be taught in schools where religious and moral training occupies the first place (1372). Not only parents but all who take their place have the right and grave obligation of caring for the Christian education of the children (1372). In every elementary

school the children must be instructed in Christian doctrine according to their age (1373, 1). Children who attend grammar and high schools are to receive a more comprehensive instruction in their religion. The Ordinaries shall see that this be imparted by priests of learning and piety (1373, 2). Catholic children shall not attend non-Catholic, neutral, or mixed schools, which are open to non-Catholics. The Bishop alone is authorized to judge, in accordance with the instructions he has received from the Holy See, under what circumstances, and with what safeguards against the danger of perversion, it may be permitted to send the children to these schools (1374). The Church has a right to establish schools of all grades, not only elementary, but also grammar and high schools (1375). The canonical establishment of a Catholic university or faculty is reserved to the Holy See (1376, 1). A Catholic university or faculty, even when entrusted to an Order, must have its statutes approved by the Holy See (1376, 2). Academic degrees, to be recognized in canon law, cannot be conferred except with the authorization of the Holy See (1377).

If there are no Catholic elementary or grammar schools the Ordinary of those places shall especially take care to provide them (1379, 1). Likewise, if the public universities are not imbued with Catholic doctrine and spirit, it is desirable that a Catholic university be established in the nation or state (1379,

1). Catholics should not omit to contribute according to their means to the establishment and support of Catholic schools (1379, 3). The religious education of youth in any schools is subject to the authority and inspection of the Church (1381, 1). Local Ordinaries have the right and duty to watch that nothing is taught contrary to faith and good morals in any schools of their territory (1381, 2). It is likewise their right to approve the teachers and the text-books of religion, and to demand that both teachers and text-books be removed for the welfare of faith and morals (1381, 2). The local Ordinaries may likewise, in person or through representatives, visit every kind of school to inquire into its religious and moral instruction. From this visitation no religious school is exempt excepting the schools of exempt religious for their professed members (1382).

523. Scripture, Sacred. The original texts and ancient versions of the Sacred Scriptures published by non-Catholics are forbidden (1399, 1). Also books about Sacred Scripture that are published without ecclesiastical approbation (1399, 5). Versions of the Sacred Scriptures by non-Catholics are allowed to those who engage in theological and biblical studies, provided they do not attack Catholic dogmas in their introduction and notes (1400).

524. Seal of Confession. The seal of confession is

inviolable. The confessor must beware not to betray the sinner by words, or signs, or in any other way for any reason whatever (889, 1). The obligation of the seal of confession rests likewise on all other persons to whom knowledge of the confession has come in any way (889, 2). A confessor who presumes to violate the seal of confession directly thereby incurs excommunication reserved in a most special manner to the Holy See (2369).

525. Second Marriages. (See *Marriages, Second.*)

526. Secretariate of Briefs. The Secretariate of Briefs to Princes and of Latin Letters has the office of writing in Latin the acts of the Supreme Pontiff which he may commit to it (264).

527. Secretariate of State. The Secretariate of State is in charge of the Cardinal Secretary of State, and consists of three divisions: (1) The first is presided over by the Secretary of the Congregation of Foreign Affairs, and attends to those matters that must be subjected to that Congregation for examination. (2) The second, under an assistant, attends to daily business. (3) The third is under the direction of the Chancellor of Apostolic Briefs and attends to the drawing up and mailing of Briefs (263).

528. Secularization. (See *Departure from Religious Life.*)

529. Seminary. Every diocese should have its seminary (1354, 1). The larger dioceses should have both a preparatory and a theological seminary (1354, 2). If no seminary is established the Bishop should send his students to some other seminary (1354, 3). The seminary is under the direction of the Bishop (1357, 1). He should visit it and watch over the studies and the development of the vocation of the students (1357, 2). Every seminary should have its laws approved by the Bishop (1357, 3). In every seminary there should be a rector for the government of the institution, professors to teach the branches, a procurator, distinct from the rector, for the administration of temporalities, at least two ordinary confessors, and a spiritual director (1358). Besides the ordinary confessors others should also be appointed to whom the students will be free to go (1361, 1). The vote of the confessor will not be asked when a student is to be promoted to Holy Orders or expelled (1361, 2). Only boys of legitimate wedlock can be admitted to the seminary (1363, 1). Before they are received they must present testimonials of Baptism, Confirmation, and good conduct (1363, 2). Students who have been dismissed from one seminary or from a religious institution should not be accepted by another Bishop before he has learned the cause of their dismissal and received favorable testimonials about their character (1363, 3).

In preparatory seminaries: (1) religious instruction

should occupy the first place, (2) the students should learn Latin and the vernacular language well, (3) in other branches they should adapt themselves to the needs of the country (1364). The students shall devote at least two years to philosophy and kindred branches (1365, 1). The course in theology must consist of at least four full years, and embrace, besides dogmatic and moral theology, Sacred Scripture, Church history, canon law, liturgy, sacred eloquence, and ecclesiastical chant (1365, 2). There should also be lessons in pastoral theology with practical exemplification of teaching catechism, hearing confession, visiting the sick, and assisting the dying (1365, 3). As professors of philosophy, theology and law, the Bishop and seminary board should prefer those who have received the degree of doctor from a university or faculty recognized by the Holy See, and in religious seminaries those who have received similar degrees from their major superiors (1366, 1). The professors shall treat the study of philosophy and theology, and the lectures given in these branches to the students, entirely according to the method, doctrine, and principles of the Angelic Doctor, and reverently adhere to them (1366, 2). There should at least be a separate professor for dogmatic theology, for moral theology, for Sacred Scripture, and for Church history (1366, 3).

The Bishop will see to it that the students: (1) daily say their morning and night prayers, hold medi-

tation in common, and assist at Mass; (2) go to confession at least once a week, and frequently receive Holy Communion; (3) assist at solemn Mass and Vespers on Sundays, serve at the altar and take part in the sacred ceremonies; (4) make a retreat each year during some days; (5) and assist at least once a week at a spiritual conference, which shall conclude with an exhortation (1367).

The rector and professors of the seminary shall have the office of pastor for all persons living in the seminary (1368), and see that the students faithfully observe the statutes approved by the Bishop and are imbued with a genuine ecclesiastical spirit (1369, 1). They shall explain to them the laws of Christian politeness and urge them by their own example to practise them. They will also exhort them to observe the laws of hygiene, cleanliness, courtesy, moderation, and gravity (1369, 2). Incorrigible and seditious characters, and those whose behavior and talents do not make them desirable candidates for the priesthood, shall be dismissed (1371).

530. Separation. A just cause is required for husband and wife to separate (1128). Adultery committed by one party, entitles the innocent party, who has not condoned the crime, lawfully to leave the guilty party for life (1129-1130). Other legitimate causes for lawful separation for one party are: if the other joins a non-Catholic sect, educates the children as non-

Catholics, lives a criminal and shameful life, is a great bodily or spiritual danger to the first, or through cruelty and such other reasons makes living together too difficult (1131, 1). In these cases when the cause ceases conjugal relations should be resumed (1131, 2). After the separation has taken place the children should be given to the innocent party, and their Catholic education safeguarded (1132).

531. Shows. The clergy must avoid such performances as dances and shows which are unbecoming to them, and where their very presence would give scandal, especially in public halls (140).

532. Signatura Apostolica. The Signatura Apostolica is the highest court of ecclesiastical appeal (259). It is composed of Cardinals, one of whom is Prefect (1602).

533. Simony. The intentional will to exchange spiritual goods for temporal goods is simony by divine law (727, 1). To exchange articles forbidden by the Church is simony by ecclesiastical law (727, 2). Tacit agreement suffices for simony (728). Simoniacal contracts for benefices, offices, and dignities are invalid (729). Those who confer benefices, offices and dignities simoniacally incur excommunication reserved to the Holy See (2392, 1). Clerics promoted by simony to Orders incur suspension (2371).

534. Sisters. Sisters are religious women with simple vows (488, 7).

535. Societies, Condemned. The faithful are to be warned against marrying members of forbidden societies (1065, 1). The pastor cannot assist at such marriages without permission of the Ordinary (1065, 2). Catholics who join condemned societies and die in them are to be refused ecclesiastical burial (1240, 1; 1241; 2339). Members of forbidden societies cannot be admitted to the novitiate (542, 1) or to pious associations (693, 1). Whoever joins them is excommunicated (2335). Clerics who join them are besides to be deprived of every ecclesiastical office, and denounced to the Sacred Congregation of the Holy Office (2336).

536. Societies of Religious Men or Women. These societies do not take vows and so are not strictly Congregations, nor are their members strictly religious. They may be made up of men or of women, of clerics or of laics, and be under pontifical or under diocesan law (673). In their foundation, erection of provinces and houses, they are governed by the laws for Congregations of religious (674). The government of each society is determined by its constitutions (675). These societies may acquire and possess property, but whatever the individuals acquire in their own name is their own (676). In the admission of candidates

they are governed by the law for religious (677), and in promoting their members to Orders by the laws for the secular clergy (678). The members of these societies are bound by their constitutions, and if they are clerics by the laws for clerics, and they are to observe the enclosure under the supervision of the Ordinary (679). They enjoy the privileges of clerics but not those of religious, excepting by special concession (680). Besides their own constitutions they must observe the general laws of the Church in joining another religious organization, in dismissal from the society, and in secularization (681). (See 635-672.)

537. Sodalties. (See *Associations, Archconfraternity.*)

538. Solicitation. Priests who are guilty of solicitation must be suspended, and may be deprived of every benefice or office, and degraded (2368, 1). Penitents solicited in confession must denounce the priest to the Ordinary or the Sacred Congregation of the Holy Office within a month (904). If they neglect to do so they incur excommunication (2368, 2). If they denounce an innocent priest they incur excommunication reserved to the Holy See (2363).

539. Sponsors. (See *Baptism, Confirmation. Spiritual Relationship.*)

540. Sterility. Sterility makes marriages neither illicit nor invalid (1068).

541. Stipends. Stipends are not subject to prescription (1509, 5) nor subject to taxation by the Ordinary (1506). Priests may accept a stipend as an alms for a Mass (824, 1) but only one a day excepting Christmas (824, 2). Voluntary stipends offered by the faithful are called *manual*; stipends for Masses from funds that cannot be said at home are called *quasi-manual* (826, 1, 2). Stipends from a fund are called *foundation* stipends (826, 3). Traffic in Masses is forbidden (827). As many Masses are to be said as stipends were received (828). The obligation to say the Mass does not expire with the loss of the stipend (829). The decree of the Ordinary or custom decides the amount of the stipend (831). Unless forbidden by the Ordinary a priest may accept a smaller or a larger stipend (832). If a priest accepts a stipend for Mass to be said under special circumstances he must fulfill the conditions (833). No one is allowed to receive more stipends than he can say Masses for within a year (835). He who sends stipends to other priests is responsible for them until he receives notice that they have been received (839). Every priest must at the end of the year send those stipends to the Ordinary for which he did not satisfy. He is bound to satisfy for *manual* stipends one year from the day they were received, unless the donor specified the time; and for *quasi-manual* stipends he must satisfy by the end of the year during which Masses should have been said (841). It is the right and duty of the Ordinary

to see that secular priests fulfill their Mass obligations, and religious superiors have the same right and duty towards their subjects (842). Rectors of churches shall keep a Mass-Book in which they will carefully note down their stipends. The Ordinary should inspect this book yearly (843). Every priest should note accurately the stipends he receives, and the intentions for which he says Mass (844).

542. Stole-Fees. If any of the parochial offices are attended to by another priest, the fees or offerings belong to the pastor, unless the contrary will of those making the offering is certain concerning the sum that is over and above the ordinary tax. A pastor must not refuse to serve those gratuitously who are not able to pay for the services (463, 2).

543. Studies, House of. Every clerical religious organization shall have its house of studies approved by the general chapter or the superiors (587, 1). Perfect community life must prevail in the house of studies, otherwise the students cannot be promoted to Orders (587, 2). If the organization or the province is unable to have properly equipped houses of studies, or, if it has them, access to them, in the judgment of the superiors, is difficult, the religious students may be sent to a well equipped house of studies of another province, or of another religious organization, or to the classes of an episcopal seminary, or to a public,

Catholic athenæum (587, 3). When religious are sent from their own house to a distant place to study, they are not allowed to live in private houses, but must go to a house of their own Order, or, if that is impossible, must stay at some other institution of religious men, at the seminary, or some other pious home in charge of priests approved by ecclesiastical authority (587, 4).

During the entire course of studies the religious shall be under the special care of a prefect or spiritual master, who will lead them on in the spiritual life by timely admonition and instruction (588, 1). This prefect or spiritual master should have the same qualifications as are required of the master of novices (588, 2). The superiors will see to it that regular observance prescribed for all religious will be most perfectly observed in the house of studies (588, 3). After due instruction in the lower branches the religious will diligently apply themselves for at least two years to the study of philosophy, and at least four years to sacred theology, adhering closely to the doctrine of St. Thomas in accordance with the instruction of the Holy See (589, 1). During the time of studies no duties shall be imposed on professors or students which will take them from their studies, or in any way interfere with class-work. The superior general and, in particular cases, also other superiors, may according to their judgment exempt the students from some of the community exercises, even of the

choir, and especially at night, as often as they consider it necessary for progress in the studies (589, 2).

For five years after the completion of their course of studies religious priests shall be examined annually in various branches of sacred doctrine, of which they have been notified in advance. Only those shall be excused from this examination who have been exempt for grave reasons by their major superiors, or who are teaching theology, canon law or philosophy (590). At least once a month the solution of a moral and liturgical case shall be held in every established house. If the superior sees fit he may add a discussion on some dogmatic point or kindred subject. All professed clerics who are pursuing their theological studies, or who have completed them and are in the house, must assist unless the constitutions provide otherwise (591).

544. Studies, Priestly. After their ordination clerics should not neglect their studies, especially those of the sacred sciences, in which they should follow the sound doctrine handed down by the Fathers and universally received by the Church, and should avoid profane novelties and false science (129).

545. Subdelegation. He who has ordinary jurisdiction can delegate it to another (199, 1). Jurisdiction delegated by the Holy See can be subdelegated (199, 2). Jurisdiction delegated by an Ordinary inferior to the

Pope can be subdelegated for individual cases (199, 3). In all other delegations jurisdiction cannot be subdelegated. No subdelegated jurisdiction can be further subdelegated (199, 4, 5).

546. Suicide. Those who attempt suicide are irregular by crime (985, 5), and if they are priests shall be suspended (2350, 2). Those who deliberately kill themselves are to be denied ecclesiastical burial (1240, 3).

547. Superior, Regular. The regular superior presides at the election of the superioress (506, 2). He must grant permission for investments (534, 1; 580) and to enter the enclosure (600, 1). He presents the confessor to be approved by the Ordinary (525) and makes the visitation (512, 2, 1). He must seek to bring back fugitives (645, 2).

548. Superiors, Major. (See *Religious State*.)

549. Superiors, Minor. (See *Religious Superiors*.)

550. Superiors of Colleges. Superiors of colleges are not to hear the confessions of their subjects (1383). They cannot appear in court in the name of their subjects without their consent (1653, 3).

551. Supplied Jurisdiction. (See *Jurisdiction*.)

552. Suppression. A religious house can be suppressed only by permission of the Holy See (498). Bishops can suppress societies erected by themselves or by their predecessors, and also societies erected by religious in virtue of an apostolic indult, and with the consent of the Ordinary. Societies erected by the Holy See itself can be suppressed only by the Holy See (699).

553. Suspension. Suspension is a censure by which a cleric is deprived of the rights of his office, or of his benefice, or of both (2278). Suspension affects the offices and benefices which the person held in the jurisdiction of the one who suspended him (2281). It can be inflicted only for a grave contumacious crime (2242).

554. Suspicion of Heresy. The suspicion of heresy falls especially on persons who knowingly and willingly help to propagate heresy in any manner (2316), persons who contract marriage with the understanding that their children will be raised as non-Catholics, parents who have their children baptized by a non-Catholic minister, and parents or guardians who have children instructed in a non-Catholic sect (2319).

555. Synod. A diocesan synod is to be held at least every ten years (356). It is convoked and presided over by the Bishop, and held in the cathedral (357).

To the synod must be called and come: (1) the vicar general, (2) the consultors, (3) the rector of the diocesan seminary, (4) the deans, (5) the pastors of the city where the synod is held, (6) at least one pastor from every deanery to be elected by the priests of the district, (7) abbots who are actual superiors, (8) one superior of each clerical order in the diocese, to be designated by the provincial (358). Those who ought to come, and are prevented, must notify the Bishop (359). Before the synod opens the Bishop may appoint committees to prepare the subjects for discussion, so that the schedules may be distributed at the opening session (360). The proposed questions are to be freely discussed in the preliminary sessions (361). The Bishop is the only legislator in the synod and he alone signs the laws of the Synod, which go into effect as he promulgates and decrees (362).

556. Tabernacle. The tabernacle is to be fixed in the middle of the altar (269, 1). It should be of wood, solidly closed on all sides, decently ornamented in accordance with liturgical laws, containing only the Blessed Sacrament, and guarded so carefully that no danger of sacrilege can arise (1269, 2). The key of the tabernacle in which the Blessed Sacrament is kept must be most diligently preserved. This responsibility rests on the priest in charge of the church or chapel (1269, 4).

557. Taxes. The diocesan taxes are subject to revision by the Congregation of the Council (250). They are levied for the support of the seminary (1355, 1356), for the Bishop (1504), extraordinary taxes to meet the special wants of the diocese (1505), for dispensations (1507).

558. Teaching Authority of the Church. The Church has the right and duty to teach all nations; all are bound to accept her teaching and to enter the true Church of God (1322). The truths contained in the written or traditional word of God and proposed to us by the Church, either by her solemn judgment, or by her ordinary teaching body, must be held by Divine and Catholic faith as divinely revealed (1323). Both the General Council and the Pope speaking *ex cathedra* have the right to pronounce this solemn judgment (1323, 1). No doctrine is to be held as dogmatically declared or defined unless it was evidently defined (1323, 2). It is not sufficient to avoid heretical error, but those errors should also be avoided which more or less approach heretical error; wherefore all constitutions and decrees are also to be observed by which erroneous opinions of this kind have been proscribed and prohibited by the Church (1334). The faithful of Christ are bound to profess their faith openly whenever their silence, reluctance or manner of acting would contain an implicit denial of their

faith, contempt for religion, injury to God, or scandal to their neighbor (1325). If any one after receiving Baptism, while retaining the name of Christian, pertinaciously denies any one of the truths to be believed by Divine and Catholic faith, or doubts it, he is a heretic. If he totally recedes from the Christian faith he is an apostate; and if he renounces submission to the Pope or refuses to communicate with the members of the Church subject to him, he is a schismatic (1325, 2). Let Catholics beware lest they hold disputations or conferences, especially public ones, with non-Catholics without the permission of the Holy See, or, in an urgent case, of the local Ordinary (1325, 3). Although the Bishops individually, or even when assembled in particular councils, are not endowed with infallible teaching authority, they are nevertheless, under the authority of the Roman Pontiff, the true teachers and masters of the flocks committed to their care (1326).

559. Territorial Laws. Territorial laws do not bind outside the limits of their respective territories (8).

560. Territory. The territory of each diocese shall be divided into sections called parishes (216). A pastor can assist at a marriage validly only in the territory of his own parish (1095, 2).

561. Testimonials. (See *Novitiate, Ordinations.*)

562. Theatres. The clergy must avoid all performances unbecoming for them, especially in theatres where it would give scandal to see them attend (140).

563. Theologians at Councils. Theologians assisting at the councils of the Church have only a consultive vote (223; 282, 3; 286, 3-4).

564. Third Orders Secular. Secular tertiaries are persons who strive after Christian perfection according to rules approved for them by the Holy See. They are under the direction of an Order and harmonize its spirit with a life in the world (702, 1). If a Third Order Secular is divided into several societies, each of which has been legitimately established, the branch is called a Sodality of Tertiaries (702, 2). The consent of the Ordinary is required validly to establish a Sodality of Tertiaries (703, 2), and his special permission is necessary for the members to wear their habits at sacred public functions (703, 3). Members of Orders and Congregations cannot be tertiaries (704). Tertiaries should wear the insignia of their sodality when taking part in a body at any sacred function (706).

565. Throne. Whenever they pontificate Cardinals, Delegates of the Pope who are Bishops, Archbishops, Bishops, and Abbots *Nullius*, may use the throne and canopy (239, 269, 274, 347, 325).

- 566. Time.** In reckoning the hours of the day the common custom of a place is to be observed. In the private celebration of Mass, in the private recitation of the Divine Office, in receiving Holy Communion, and in the observance of the law of fast and abstinence one may also follow the local true time, or the mean time, or the legal, or the regional, or any other way of marking time (33, 1).
- 567. Titles, Academic.** Academic degrees to be recognized in canon law must be conferred by authority of the Holy See (1377).
- 568. Titles of Churches.** Every church that is blessed or consecrated shall have its title, which cannot be changed afterwards (1168, 1).
- 569. Titles of Ordination.** The canonical title for the secular clergy is the title of benefice, or, in default of a benefice, the title of patrimony or of pension (979, 1). For regulars the canonical title is the solemn religious profession, which is called the title of poverty. For religious with perpetual simple vows the title is *mensæ communis*. Those who make no perpetual profession are governed by the law for seculars in their title for ordination (982).
- 570. Titular Bishops.** Titular Bishops cannot exercise jurisdiction in the diocese of their title, neither do they

take possession of their see (348, 1). (See *Bishops, Privileges of.*)

571. Tonsure. By first tonsure the seminarian becomes a cleric (108). Tonsure may be given any day or hour (1006, 4). By the first tonsure also is incardination first effected (111). The first tonsure shall not be given until the seminarian has begun theology (976, 1).

572. Transaction. Transaction is a recognized way of avoiding canonical trials by friendly settlement (1925).

573. Transition. A religious cannot go from one independent monastery to another, or from one Order to another without permission of the Holy See (632). He must make the novitiate again (633, 1) unless he goes from one independent monastery to another of the same Order (633, 3). If a religious with solemn vows thus joins a Congregation, his solemn vows are dissolved by his new profession (636).

574. Trials. An ecclesiastical trial is a discussion and decision of a matter in which the Church has the right to decide, held before an ecclesiastical tribunal (1552). The Church alone is competent to judge: (1) in spiritual matters and matters connected with them; (2) in violation of her laws; (3) in all cases regarding clerics and religious (1553).

575. Unbaptized. Unbaptized persons are not subject to purely Church laws (12). A marriage between a baptized Catholic and a person not baptized is null and void (1061, 1).

576. Unction, Extreme. (See *Extreme Unction*.)

577. Unions, Pious. (See *Confraternities*.)

578. University. (See *Schools*.) The erection of Catholic Universities is reserved to the Holy See (1376). The studies in a Catholic University are subject to the Congregation for Seminary and University Studies (256, 1). Academic degrees have no canonical value in the Church unless they are granted with the approbation of the Holy See (1377). Doctors, who have received their degrees legitimately, have the right to wear a ring with a stone and the doctor's hat outside of sacred functions. In conferring the various offices and benefices, other things being equal, the Bishop shall give the preference to those having the doctorate or licentiate (1378).

579. Use of Reason. A child is presumed to come to the use of reason when it has completed its seventh year. Those who never had the use of reason are classed as infants (88, 3). If there is a doubt about their mental condition they may receive Extreme Unction conditionally when in danger of death (941).

580. Utensils, Sacred. The sacred utensils, especially when blessed or consecrated, are to be kept in a safe and decent place and are not to be used for profane purposes (1296, 1). Their material and form must be in harmony with liturgical laws, ecclesiastical traditions and the laws of art (1296, 2). At the death of a Cardinal residing in Rome his sacred utensils, with the exception of his ring and pectoral cross, are to go to the papal treasury (1298, 1). The sacred utensils of every residential Bishop accrue to the Cathedral, with the exception of his ring and pectoral cross, and other utensils that were not acquired by diocesan funds (1299, 1). The rules for disposing of the sacred utensils of Bishops also apply to pastors (1300). The cathedral church must gratuitously furnish the sacred utensils to be used by the Bishop (1303, 1). The power of blessing sacred utensils is given to: Cardinals, Bishops, local Ordinaries, pastors, religious superiors, and to persons delegated according to their delegation (1304). Blessed utensils lose their blessing or consecration (1) by losing their original shape, when no longer serviceable; (2) by using them for unbecoming purposes or exposing them to sale (1305, 1). Chalices and patens do not lose their consecration by the loss or renewal of the gold plating (1305, 2). Chalices and patens, as well as unwashed purificators, corporals and palls, are not to be handled by lay persons who have not charge of them. A cleric must wash soiled purificators, palls and corporals,

that have been used at Mass, before they are given to a lay person to be washed (1306).

581. Vacancy. As a rule an office should not remain vacant longer than six months (155). When filling the vacancy in a parish, the Ordinary is bound in conscience to appoint the priest he judges best qualified (459). During the vacancy of a bishopric, no innovations are to be made (436). During the vacancy of a parish the Bishop shall appoint a vicar as soon as possible to rule the parish during the vacancy (472, 1).

582. Vacation. The Bishop may be absent two or at most three months in the year (338, 2). The pastor is allowed two months vacation in a year (265, 2).

583. Vagrants. Persons who have no domicile or quasi-domicile are called vagrants (14). They are bound to observe the general law of the Church and the particular law of the place where they stay (14). The place of origin of the children of vagrants is the place in which they were born (90). A pastor should not assist at the marriage of vagrants without the Ordinary's permission (1032).

584. Validation of Marriage. (See *Marriage Validation*.)

585. Validity of Sacraments. All questions pertaining to the validity of marriage, of sacred Orders, and of

other sacraments, may be referred to the Congregation of the Sacraments (249).

586. Venerable. The title of venerable is given only to those servants of God who have been found to have practised virtue in an heroic degree. It does not include permission to venerate them publicly (2115, 2; 2084, 2).

587. Viaticum. The faithful are bound to receive the Viaticum in danger of death, unless they have received Communion that day (864, 1). Even if they have received Communion that day they are to be urged to receive the Viaticum (864, 2). The Viaticum should not be put off too long (865). It may be given repeatedly (864, 3). It should be received in one's own rite (886, 3). It may be given even on Good Friday (867, 2).

588. Vicar Apostolic. If a vicar apostolic is a consecrated Bishop he may confer not only minor Orders but also major Orders (957, 2).

589. Vicar General. The Vicar General has ordinary jurisdiction in the diocese (198, 1; 368, 1). He is appointed, and may be removed by the Bishop (366, 2). He should be a secular priest, at least thirty years old. If the Bishop is a religious the Vicar General may belong to the same Order (367). He should refer the more important matters to the Bishop, and

act in harmony with him (369, 442). He has precedence over all the other clergy in the diocese (370). His jurisdiction may cease by resignation and removal, or by the death, resignation or transfer of the Bishop (371).

590. Violation of Cemetery. The violation of a cemetery is to be treated the same way as the violation of a church (1207). (See *Desecration of Church.*)

591. Violence. All those who lay violent hands on a Cardinal, Legate, Patriarch, Archbishop, or Bishop incur excommunication specially reserved to the Holy See (1600, 8). All who do violence to clerics or religious incur excommunication reserved to the Ordinary (1602, 6).

592 Visit ad Limina. The Bishop must make his visit *ad limina* in person, or through his Coadjutor, or for a just reason, approved by the Holy See, through a priest of his diocese (342).

593. Visitation of Diocese. The Bishop must visit his entire diocese at least once in five years in person, or if legitimately excused through his Vicar General, or another priest (343, 1). He may take any two priests with him on the visitation. If the Bishop neglects the visitation the Archbishop has a right to interfere (343, 2-3). To the visitation are subject

persons, goods and pious institutions (344). The visitor should proceed in a paternal manner (345) and not prolong the visitation unduly. The expenses of the visitation should be paid according to custom (346).

594. Visitation of Religious. (See *Religious, Visitation.*)

595. Vocations. Pastors and other priests should promote vocations to the priesthood (1353).

596. Voice, Active and Passive. In societies of religious the members who have only temporary vows have neither active nor passive voice (578, 3).

597. Voluntary Jurisdiction. Non-judicial or voluntary jurisdiction may be exercised also outside one's territory, in one's own favor, and in favor of one who is no subject (201, 3).

598. Vow. A vow is a free, deliberate promise made to God to do a possible and better thing as an act of religion. A proportionate use of reason is required to make a vow, and grave or unjust fear would render it invalid (1307). A vow may be public or private, solemn or simple, personal, real or mixed and reserved (1308). The private vows reserved to the Holy See are: (1) the perfect and perpetual vow of chastity, and (2) the vow to enter religion of solemn vows,

when made unconditionally by one after completing the eighteenth year of age (1309). Vows cease: (1) by the expiration of the time specified, (2) by a substantial change in the object promised, (3) by a cessation of the condition or the end of the vow, (4) by annulment, (5) by dispensation, (6) by commutation (1311). Vows which are not reserved may be dispensed from: (1) by the Ordinary over his subjects, (2) by a religious superior over his subjects, (3) by persons delegated by the Holy See (1313). The good work promised may be changed into an equal or a better one by the person who made the vow (1314). Vows made by one before entering religion remain suspended as long as the person remains (1315).

599. Vows of Religious. (See *Religious, Obligations of.*) Religious must keep their vows faithfully and entirely (593) even when exclaustated (639) or dismissed with perpetual vows (669, 1) or apostates or fugitives (645, 1), but not if they have been secularized (640, 1). Religious in charge of parishes must keep their vows as far as consistent with their labors (630, 1), when made Bishops or Cardinals, as far as consistent with their dignity (627, 1). Vows are solemn when recognized as such by the Church, otherwise they are simple (1308, 2).

600. Week. A period of seven days constitutes a week (32).

- 601. Witness.** Clerics are not to act as witnesses in criminal cases before the secular court, when the criminal is to be punished with a grave personal penalty (139, 1).
- 602. Womb.** The foetus should be baptized in the mother's womb when there is no hope that the child will be born alive (746, 5).
- 603. Women.** Clerics must avoid all suspicious dealings with women and observe the law concerning women living in the rectory (133).
- 604. Worship, Divine.** (See *Cult.*)
- 605. Writing.** Appointment to an office should be made in writing (159).
- 606. Year.** A year in law is a period of three hundred and sixty-five days (32, 2).



INDEX

[The numbers refer, not to the pages, but to the marginal figures.]

Abbot	1	Archconfraternity	35
Abbot Nullius	2	Archives	36
Abjuration	3	Articles of Devotion	37
Abortion	4	Arts	38
Abrogation	5	Assistants to Pastors ..	39
Absence	6	Associations, Sodalities ..	40
Absolution	7	Attempted Crime	41
Abstinence	8	Marriage	42
Abuses	9	Authenticity	43
Accusation	10	Authors	44
Action (Legal)	11	Auxiliary Bishops	45
(Moral)	12		
Acts	13	Bail	46
Administration	14	Banns	47
Administrators	15	Baptism	48
Admission to Religion ..	16	of Adults	49
Adoption	17	Beatification	50
Adultery	18	Bells	51
Advocate	19	Benediction	52
Affinity	20	Benefice	53
Age	21	Bequest	54
Agent	22	Bination	55
Alienation	23	Birth-place	56
All Souls	24	Bishops	57
Alms	25	Privileges of	58
Altar	26	Rights and Duties of..	59
Anathema	27	Blessings	60
Apostate	28	Books	61
Apostolic See	29	Burial	62
Appeal	30	Business	63
Application	31		
Appointment	32		
Approbation	33	Camera Apostolica	64
Archbishop	34	Canonization	65

Canonries	66	Concordats	108
Canons	67	Concubinage	109
Cardinals	68	Concursus	110
Cases	69	Condition	111
Cassock	70	Conferences, Diocesan ...	112
Catechetical Instruction ..	71	Episcopal	113
Catechumens	72	Confession, Annual	114
Cathedraticum	73	Judicial	115
Cause, Canonical	74	Sacramental	116
Cautions	75	Confessional	117
Celebrant	76	Confessor, Extraordinary ..	118
Celebret	77	Jurisdiction	119
Celibacy	78	Minister	120
Cemeteries	79	of Religious	121
Censor	80	Confirmation	122
Censures	81	Confraternities	123
Cessation	82	Congregation, Religious ..	124
Chancellor	83	Congregations, Roman ...	125
Chaplain	84	Conjugicide	126
Chapter	85	Consanguinity	127
Children	86	Consecration	128
Christ	87	Consent, Matrimonial	129
Christmas	88	Consent of Consultors ...	130
Church Authority	89	Constitutions, Religious ..	131
Building	90	Consultors, Diocesan	132
Citation	91	Parish	133
Clergy	92	Religious	134
Clerics	93	Contracts	135
Obligations of	94	Contumacy	136
Things Forbidden to ..	95	Conversion	137
Closed Season	96	Convocation	138
Coadjutor Bishop	97	Corner-Stone	139
Code	98	Corporals	140
Cohabitation	99	Corpses of the Faithful..	141
Collection of R. Decrees..	100	Corrupters	142
Communication	101	Council, General	143
Communion	102	Plenary	144
Community Life	103	Provincial	145
Commutation	104	Court	146
Compensation	105	Cremation	147
Competency	106	Crime, Impediment	148
Compromise	107	Crime of Falsifying	149

Criminals	150	Dismissal of Seminarians.	189
Cult	151	Disparity of Worship....	190
Cumulation	152	Dispensation from the Law	191
Curia, Diocesan	153	Dispensations from Matri-	
Roman	154	monial Impediments.	192
Custom	155	Disputations with non-	
		Catholics	193
Danger	156	Divine Office	194
Dataria Apostolica	157	Worship	195
Day	158	Division	196
Deacon	159	Doctors' Rights	197
Dead	160	Doctrines, Condemned ...	198
Dean	161	Documents	199
Deaneries	162	Domicile	200
Debility of Mind	163	Donations	201
Debts	164	Doubt	202
Deceit	165	Dowry	203
Declaration of nullity of		Drunkenness	204
an act	166	Duel	205
of nullity of marriage..	167		
Decrees, Judicial	168		
of Councils	169	Easter Communion	206
of Ordinary	170	Editors	207
Roman	171	Education of Children ...	208
Dedication of Church ...	172	Election	209
Defensor Vinculi	173	Enclosure	210
Degradation	174	Engagement, Marriage ...	211
Degrees	175	Epileptics	212
Delegate	176	Epitaphs	213
Papal	177	Equity	214
Delegation for Marriage..	178	Error	215
Delinquents	179	about Mat. Consent ...	216
Demoniacal Possession ...	180	Eucharist, Blessed	217
Denunciation	181	Eucharistic Fast	218
Departure from Religious		Examinations	219
Life	182	Examiners, Synodal	220
Deposition of a Cleric....	183	Excardination	221
Desecration of Churches ..	184	Excommunication	222
Dimissorial Letters	185	Exemption	223
Diocese	186	Exercises of Piety	224
Dismissal of Benefices....	187	The Spiritual	225
of Religious	188	Exorcist	226

Exposition of the Blessed Sacrament	227	Images, Sacred	262
Extreme Unction	228	Impediments, Matrimonial	263
Faculties	229	Impedient	264
Fast Days	230	Diriment	265
Favors	231	to Religion	266
Fear	232	Impenitence	267
Foetus	233	Impotence	268
Force	234	Imputability	269
Form of Marriage	235	Inadvertence	270
Formula	236	Incardination	271
Forty Hours' Devotion ..	237	Indulgences	272
Forum	238	Infants	273
Foundation	239	Infidels	274
Foundations, Pious	240	Infirm	275
Foundlings	241	Injury to Clerics	276
Functions, Parochial	242	Insane	277
Funerals	243	Insignia	278
Games of Chance	244	Institutions, Ecclesiastical	279
Garb, Clerical	245	Interdict	280
Goods of the Church	246	Interpretation	281
of Religious	247	Interpreter	282
Habit	248	Interruption of Novitiate.	283
Heretics	249	Intervals	284
Heroic Virtue	250	Irregularities	285
Hierarchy	251	Judge	286
Holy Days	252	Jurisdiction	287
See	253	for Confessions	288
Honesty, Public	254	Key	289
Hospitals	255	Laity	290
Hosts, Abuse of Conse-		Lamp, Sanctuary	291
crated	256	Language	292
House, Establishment of		Latin Rite	293
Religious	257	Law	294
House of Studies	258	Legal Persons	295
Ignorance	259	Legate, Papal	296
Illegitimates	260	Legitimacy	297
Illness	261	Legitimation	298
		Lent	299

Letters	300	Moral Persons	339
Litanies	301	Morals	340
Liturgy	302	Mortgage	341
Liturgical Language	303	Motu Proprio	342
Loan	304	Music	343
Loss	305	Mutes	344
Mandate	306		
Manifestation of Con-		Name	345
science	307	Negligence	346
Marriage	308	Non-Catholics	347
Consent	309	Notary	348
Contract, Form of	310	Novitiate	349
Effects of	311	begins	350
Mixed	312	compensation for	351
of Conscience	313	confessor of	352
Preparation for	314	disposal of property	
Second	315	during	353
Time and Place of	316	dowry	354
Validated by Sanatio in		end of	355
Radice	317	essentials	356
Validation of	318	house of	357
with non-baptized	319	interruption of	358
Mary	320	investiture, profession .	359
Masons	321	life in	360
Mass, Celebration of	322	master of	361
Hearing of	323	privileges of	362
pro Populo	324	retreats in	363
Master of Novices	325	testimonials for	364
Spiritual	326	Nullity of marriage.....	365
Medicine	327	of religious profession..	366
Meditation	328	Nun	367
Metropolitan	329	Nuptial Blessing	368
Midwives	330		
Military Service	331	Oath	369
Minister	332	Obedience of Clergy	370
Missions	333	Ocean	371
Mixed Religion	334	Offences	372
Modernism	335	Office, Divine	373
Monition	336	Office, Ecclesiastical	374
Monk	337	Oils, Holy	375
Month	338		

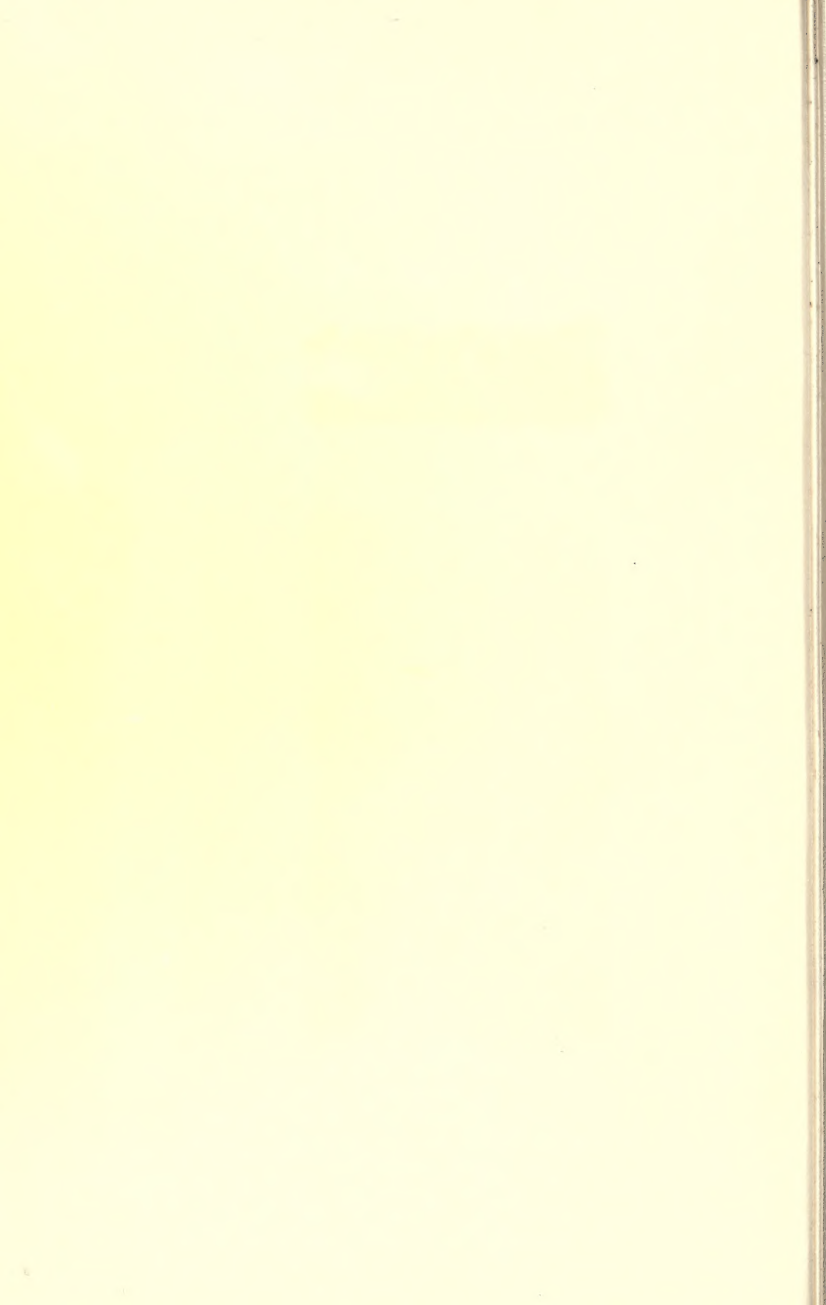
Oratory	376	Lenten Sermons	416
Orders	377	Missions	417
Ordinary	378	on Sundays	418
Ordination	379	Precedence	419
qualifications for	380	rules of	420
requisites for	381	Precepts	421
Organ	382	Prefects Apostolic	422
Orientalis	383	Prelate Nullius	423
Orphanages	384	Prescription	424
		Priest	425
		Primary Unions	426
Pallium	385	Primates	427
Palls	386	Privileges	428
Parents	387	of Bishops	429
Parishes	388	of Cardinals	430
Pastors, appointments of	389	of Clerics	431
consultors	390	of Religious	432
jurisdiction of	391	Processions, Sacred	433
obligations of	392	Procurator	434
punishment of	393	Profession of Faith	435
religious	394	Religious	436
rights of	395	Religious, Consequences of	437
Patriarch	396	Prohibition of Books	438
Patronage, right of	397	Promulgation of Law ...	439
Pauline Privilege	398	Propaganda, Sacred Con- gregation of	440
Payment to ex-religious..	399	Property	441
Penalties	400	Protector, Cardinal	442
corrective	401	Protestants	443
punitive	402	Province, Ecclesiastical...	444
remedial	403	Religious	445
Penance, Sacrament of...	404	Provocation	446
Penitentiary, The Sacred.	405	Proxy	447
Pensions	406	Puberty	448
Personal Laws	407	Publication	449
Persons	408	of Banns	450
Philosophy	409	Publishers	451
Places, Sacred	410	Pyx	452
Pontiff, Roman	411		
Postulants	412	Quasi-domicile	453
Power	413	Quasi-pastors	454
Preaching	414		
authorization for	415		

Rape	455	Visitation of	491
Reason, Use of	456	Removal of Pastors, rea-	
Recall	457	sons for	492
Reception of Novices	458	Renewal of Vows	493
of Sodalists	459	Renunciation of Goods... 494	
Reconciliation	460	Reports of Bishops	495
Records	461	of Religious Superiors.. 496	
Recourse to Holy See....	462	Reprimand, Judicial	497
Rectors of Churches	463	Rescripts	498
Rectors of Colleges	464	Reservation	499
Reduction of Clerics to		Residence, Law of	500
lay state	465	Resignation of Office	501
Relationship, spiritual... 466		Respect due to Ordinary.. 502	
Relics	467	Retreat	503
Religious and Ecclesiasti-		Revalidation of Marriage. 504	
cal Dignities	468	Revenues of Benefice.... 505	
Religious, Confessors of.. 469		Revocation	506
debts of	470	Rights	507
foundation of societies		Ring	508
of	471	Rite	509
funerals of	472	Roman Curia	510
Goods, administration of 473		Rosaries	511
Goods, sale and borrow-		Rota	512
ing	474	Rubrics	513
Last Sacraments to 475			
Letters of	476	Sacramentals	514
Mendicants	477	Sacraments	515
Obligations of	478	Sacred Congregation of	
Privileges of	479	the	516
Procurator	480	Sacrifice of the Mass 517	
Pastors	481	Saints	518
Sacred Congregation of. 482		Salary, Forfeiture of 519	
State	483	Saloon	520
Superiors	484	Sanatio in Radice	521
Superiors, accounts to		Schools, Catholic	522
be rendered by	485	Scripture, Sacred	523
Superiors, age of	486	Seal of Confession	524
duties of	487	Second Marriages	525
election of	488	Secretariate of Briefs.... 526	
term of	489	of State	527
Suppression of societies		Secularization	528
of	490	Seminary	529

Separation	530	Titles of Ordination	569
Shows	531	Titular Bishops	570
Signatura Apostolica	532	Tonsure	571
Simony	533	Transaction	572
Sisters	534	Transition	573
Societies, Condemned	535	Trials	574
Societies of Religious Men or Women	536	Unbaptized	575
Sodalities	537	Unction, Extreme	576
Solicitation	538	Union, Pious	577
Sponsors	539	University	578
Sterility	540	Use of Reason	579
Stipends	541	Utensils, Sacred	580
Stole-Fees	542		
Studies, House of	543	Vacancy	581
Priestly	544	Vacation	582
Subdelegation	545	Vagrants	583
Suicide	546	Validation of Marriage... 584	
Superior, Regular	547	Validity of Sacraments... 585	
Superiors, Major	548	Venerable	586
Minor	549	Viaticum	587
Superiors of Colleges	550	Vicar Apostolic	588
Supplied Jurisdiction	551	Vicar General	589
Suppression	552	Violation of Cemetery... 590	
Suspension	553	Violence	591
Suspicion of Heresy	554	Visit ad Limina	592
Synod	555	Visitation of Diocese 593	
		of Religious	594
Tabernacle	556	Vocations	595
Taxes	557	Voice, Active and Passive. 596	
Teaching Authority of the Church	558	Voluntary Jurisdiction .. 597	
Territorial Laws	559	Vow	598
Territory	560	Vows of Religious	599
Testimonials	561		
Theatres	562	Week	600
Theologians at Councils.. 563		Witness	601
Third Orders Secular 564		Womb	602
Throne	565	Women	603
Time	566	Worship, Divine	604
Titles, Academic	567	Writing	605
of Churches	568	Year	606







Trudel, P.

BQV

219

A dictionary of canon law.

.T7

